City of Las Cruces®

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Council Action and Executive Summary

Item # 10 **Ordinance/Resolution#** 2651

For Meeting of February 21, 2012 (Ordinance First Reading Date) **For Meeting of** March 5, 2012 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☒ LEGISLATIVE ☐ ADMINISTRATIVE

TITLE: **AN ORDINANCE APPROVING MULTIPLE ZONE CHANGES FOR 120.535 ± ACRES OF LAND LOCATED WITHIN THE RANCHO DEL REY MASTER PLANNED AREA; GENERALLY EAST OF ROADRUNNER PARKWAY, NORTH AND SOUTH OF SETTLERS PASS; PARCEL ID# 02-38952. SUBMITTED BY UNDERWOOD ENGINEERING ON BEHALF OF EDDIE BINNS, PROPERTY OWNER (Z2814).**

PURPOSE(S) OF ACTION:

To approve multiple zone changes and comply with the 2001 Zoning Code, as amended.

COUNCIL DISTRICT: 5		
Drafter/Staff Contact: David Weir	**Department/Section:** Community Development	**Phone:** 528-3066
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

This multiple zone change request is the means to reconcile the Rancho Del Rey Master Plan Amendment No. 2 with the actual zoning of the property within its boundaries. The request proposes to change the zoning for 12 tracts. In addition to complying with the master plan, approval of the request will rezone certain tracts that have retained 1981 Zoning Code designations (A-1, Flood Control; A-2, Rural Agriculture) to current and applicable zoning designations of the 2001 Zoning Code.

The specific zone requests are described in detail by Attachment "A". The result of approval of the master plan amendment and the associated zone changes will be that none of the identified planning parcels from the master plan will have multiple zoning districts within their boundaries. Stated differently, zoning districts for the property will directly correlate with planning parcels of the area's master plan.

On August 23, 2011, the Planning and Zoning Commission (P&Z) recommended conditional approval of the proposed zone change request by a vote of 5-0-0, (two Commissioners absent). The P & Z also voted to add an additional condition to the proposed zone change request for

Tract R (Planning Parcel P16) that would rezone the tract to R-2 (Multi-Family Low Density) instead of R-4 (Multi-Dwelling High Density & Limited Retail and Office) as proposed. This condition will allow a maximum density of 15 units per acres and limit development to single-story buildings with a maximum height restriction of 20 feet. Other P&Z recommended conditions are as follows:

1. Park impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces.
2. Final design of the park must be submitted and approved by the Facilities Director and/or official designee prior to any development plans being submitted for planning parcels P9 through P22, excluding existing approved development as of November of 2010 and/or any development beyond Stonegate Two. (Staff recommends that the City Council amend this condition to substitute Assistant City Manager/COO for Facilities Director due to City department realignments and amend the Resolution accordingly.)
3. Upon completion of 50% to 75% of the Rancho Del Rey Master Plan area, the park identified as Planning Parcel P13 and the 40' wide walking path facility will need to be constructed in their entirety.
4. Based on the overall dwelling units, the requirements for the acreage for the proposed park could change substantially from seven acres to twelve or thirteen acres.
5. The City of Las Cruces Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed.
6. It is understood that there is an existing sewer line in proposed planning parcel P13. The location of the park/dual use facility must not negatively affect the sewer line or vice versa. Be advised that this is only a conceptual plan, it must be demonstrated that the location of the park/dual-use facility and the sewer line is feasible.
7. Per CLC Design Standards, the increased post-development volume must be retained and the post-development peak flow must not exceed historic flow for storm water.

Written public comments were received prior to the P&Z meeting expressing concerns about the future development blocking views and building in flood zone areas (see Attachment "E"). There were also several people in attendance at the meeting in opposition of the proposed master plan amendment and associated zone changes. The public in attendance expressed similar concerns that were stated in writing by other members of the public; they were especially concerned about rezoning Zoning Tract R (Planning Parcel P16) from A-1 (Flood Control) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) and the type of product that could be developed on this tract of land. After some discussion, Mr. Binns, property owner, agreed to change the zoning request on this zoning tract from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to R-2 (Multi-Family Low Density) with a maximum density of 15 units per acre. He also agreed to limit the development standards to a single-story product only with a maximum height of 20 feet.

SUPPORT INFORMATION:

1. Ordinance.
2. Exhibit "A" - Zoning Plat.
3. Exhibit "B" - Findings and Comprehensive Plan Analysis.
4. Attachment "A" - Zoning Tracts Descriptions.
5. Attachment "B" - Metes and Bounds Descriptions of Zoning Tracts.
6. Attachment "C" - Staff Report to the Planning and Zoning Commission for Case Z2814.
7. Attachment "D" - Draft minutes from the August 23, 2011 Planning and Zoning Commission Meeting.
8. Attachment "E" - Written Correspondence from the Public.
9. Attachment "F" - Vicinity Map.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____) Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will affirm the Planning and Zoning Commission recommendation for conditional approval of the zone change request. The request for multiple zone changes will provide zoning that is compatible with the planning parcel boundaries of the proposed

Rancho Del Rey Master Plan Amendment No. 2 and consistent with the 2001 Zoning Code, as amended.

2. Vote "No"; this will reverse the recommendation made by the Planning and Zoning Commission. This will not allow the appropriate zoning designations for the planning parcels in the proposed Rancho Del Rey Master Plan Amendment No. 2. The defunct zoning designation of A-1 (Flood Control) and A-2 (Rural Agricultural) will remain on the land located south of Settlers Pass.
3. Vote to "Amend"; this could allow Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow Council to table/postpone the Ordinance and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance 441.
2. Ordinance 1213.
3. Ordinance 1662.
4. Ordinance 2413.
5. Ordinance 2463.

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COUNCIL BILL NO. 12-029
ORDINANCE NO. 2651

AN ORDINANCE APPROVING MULTIPLE ZONE CHANGES FOR 120.535 ± ACRES OF LAND LOCATED WITHIN THE RANCHO DEL REY MASTER PLANNED AREA; GENERALLY EAST OF ROADRUNNER PARKWAY, NORTH AND SOUTH OF SETTLERS PASS; PARCEL ID# 02-38952. SUBMITTED BY UNDERWOOD ENGINEERING ON BEHALF OF EDDIE BINNS, PROPERTY OWNER (Z2814).

The City Council is informed that:

WHEREAS, Underwood Engineering on behalf of Eddie Binns, the property owner, has submitted a request for multiple zone changes for 120.535 ± acres of land located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey Master Planned Area, Parcel ID# 02-38952; and

WHEREAS, the multiple zone changes consists of 12 zoning tracts and 120.535 ± acres of land; and

WHEREAS, the proposed zoning tracts are compatible to the land uses and planning parcel boundaries as established in the Rancho Del Rey Master Plan Amendment No. 2; and

WHEREAS, the multiple zone changes are described below:

- Tract A, 0.229 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract B, 1.002 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)
- Tract C, 1.006 ± acres, from C-1 (Commercial Low Intensity) to R-3 (Multi-Dwelling Medium Density)
- Tract D, 1.277 ± acres, from C-1 (Commercial Low Intensity) to R-1a (Single-Family Medium Density)

- Tract E, 4.797 ± acres, from A-2 (Rural Agricultural) to R-1a (Single-Family Medium Density)
- Tract F, 8.669 ± acres, from A-2 (Rural Agricultural) to OS-R (Open Space-Recreation)/FC (Flood Control)
- Tract G, 12.029 ± acres, from A-2 (Rural Agricultural) to FC (Flood Control)
- Tract K, 7.487 ± acres, from A-2 (Rural Agricultural) to C-1 (Commercial Low Intensity)
- Tract L, 21.488 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract M, 2.980 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract N, 51.711 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract Q, 0.054 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-1 (Commercial Low Intensity)
- Tract R, 7.806 ± acres, from A-1 (Flood Control) to R-2C (Multi-Family Low Density-Conditional).

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 23, 2011, recommended that said request for multiple zone changes be conditionally approved by a vote of 5-0-0, (two Commissioners absent); and

WHEREAS, the Planning and Zoning Commission also voted to add an additional condition to the proposed zone change request for Tract R (Planning Parcel P16) to be rezoned to R-2C (Multi-Family Low Density-Conditional) instead of R-4 (Multi-Dwelling High Density & Limited Retail and Office) as proposed; this condition will

allow a maximum density of 15 units per acres and limit development to a single-story product with a maximum height restriction of 20 feet.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey Master Planned Area, encompassing 120.535 ± acres, Parcel ID# 02-38952; more particularly described in Exhibit "A," attached hereto and made part of this Ordinance, is hereby rezoned as follows:

- Tract A, 0.229 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract B, 1.002 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)
- Tract C, 1.006 ± acres, from C-1 (Commercial Low Intensity) to R-3 (Multi-Dwelling Medium Density)
- Tract D, 1.277 ± acres, from C-1 (Commercial Low Intensity) to R-1a (Single-Family Medium Density)
- Tract E, 4.797 ± acres, from A-2 (Rural Agricultural) to R-1a (Single-Family Medium Density)
- Tract F, 8.669 ± acres, from A-2 (Rural Agricultural) to OS-R (Open Space-Recreation)/FC (Flood Control)
- Tract G, 12.029 ± acres, from A-2 (Rural Agricultural) to FC (Flood Control)
- Tract K, 7.487 ± acres, from A-2 (Rural Agricultural) to C-1 (Commercial Low Intensity)

- Tract L, 21.488 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract M, 2.980 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract N, 51.711 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract Q, 0.054 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-1 (Commercial Low Intensity)
- Tract R, 7.806 ± acres, from A-1 (Flood Control) to R-2C (Multi-Dwelling Low Density-Conditional) with a maximum density of 15 units per acres and limit development to a single-story product with a maximum height restriction of 20 feet.

(II)

THAT the conditions be stipulated as follows:

1. Park impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces.
2. Final design of the park must be submitted and approved by the Facilities Director and/or official designee prior to any development plans being submitted for planning parcels P9 through P22, excluding existing approved development as of November of 2010 and/or any development beyond Stonegate Two.
3. Upon completion of 50% to 75% of the Rancho Del Rey Master Plan area, the park identified as Planning Parcel P13 and the 40' wide walking path facility will need to be constructed in their entirety.

4. Based on the overall dwelling units, the requirements for the acreage for the proposed park could change substantially from seven acres to twelve or thirteen acres.
5. The City of Las Cruces Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed.
6. It is understood that there is an existing sewer line in proposed planning parcel P13. The location of the park/dual use facility must not negatively affect the sewer line or vice versa. Be advised that this is only a conceptual plan, it must be demonstrated that the location of the park/dual-use facility and the sewer line is feasible.
7. Per CLC Design Standards, the increased post-development volume must be retained and the post-development peak flow must not exceed historic flow for storm water.

(III)

THAT the zoning is based on the findings contained in Exhibit "B" (Findings and Comprehensive Plan Analysis), attached hereto and made part of this Ordinance.

(IV)

THAT the zoning of said property be shown accordingly on the City Zoning Atlas.

(V)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this_____ day of _____ 2012.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:

Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

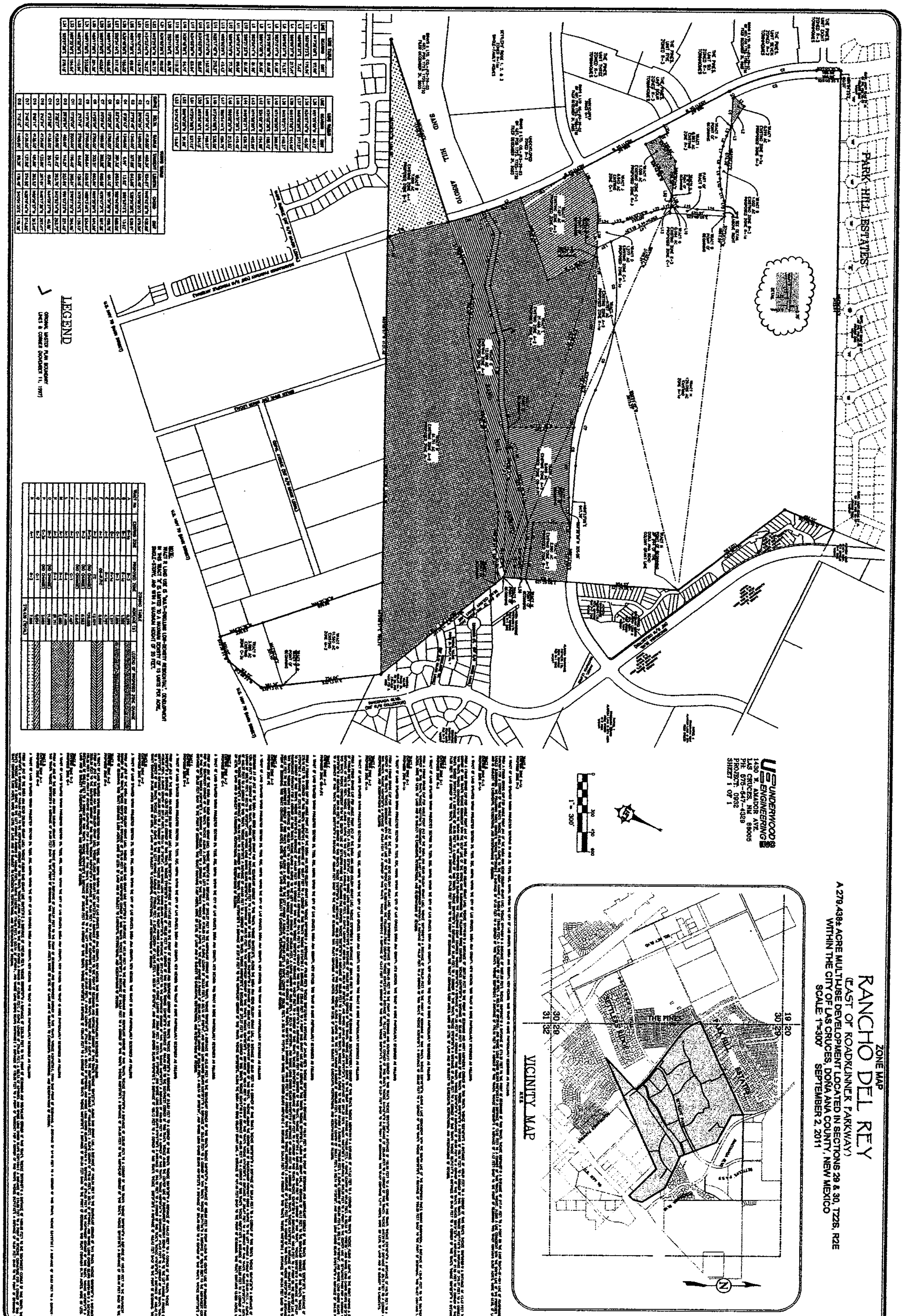
Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A


ZONE MAP
RANCHO DEL REY
(EAST OF ROADRUNNER PARKWAY)
A 279.438± ACRE MULTI-USE DEVELOPMENT LOCATED IN SECTIONS 29 & 30, T22S, R2E
WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
SCALE: 1"=300'   SEPTEMBER 2, 2011
UNDERWOOD ENGINEERING
1430 W. AMADOR AVE.
LAS CRUCES, NM 88005
PH: 575-647-4329
PROJECT: 0832
SHEET 1 OF 1
1" = 300'
PARK HILL ESTATES
SAND HILL ARROYO
LEGEND
VICINITY MAP
THE PINES
SETTLERS RIDGE

FINDINGS & COMPREHENSIVE PLAN ANALYSIS

1. The subject property is located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area; Parcel ID# 02-38952 and 02-07938. The property currently consists of single-family residential uses, commercial/office uses and vacant, undeveloped land.

2. The zone change request consist of multiple zone changes on 12 zoning tracts and contains 120.535 ± acres of land known as the Rancho Del Rey master plan area.

3. The Master Plan Amendment includes 23 planning parcels and contains 279.438 ± acres of land. The amendment proposes a range of 2,877 to 3,982 of dwelling units and will adjust existing planning parcel boundaries to be in concert with the proposed zone changes and create a true multi-family product with 30 to 40 dwelling units per acre around the Sandhill Arroyo.

4. Staff recommends an additional 100-foot OS-NC (Open Space-Natural /Conservation) linear strip on the south side of the arroyo (beyond the FEMA boundary) and another 60 feet added to the already proposed 40-foot OS-R/FC linear strip on the north side of the arroyo to provide an additional recreation and open space areas to the development.

5. The remaining half of Roadrunner Parkway from Parkhill Estates to the intersection with Settlers Pass shall be constructed as follows:
   - The portion that fronts the Eagles 1 Subdivision (Planning Parcel P1) shall be constructed when the Eagles 1 Subdivision is constructed.
   - The portion that fronts Pine Summit Subdivision (Planning Parcel P5) shall be constructed when Pine Summit Subdivision is constructed.
   - The portion that fronts the commercial planning parcel P6 shall be constructed when either the Eagles 2 or Stonegate 2 subdivisions are constructed.

6. The remaining portion of Settlers Pass from the eastern boundary of Stonegate 1 to the eastern boundary of Rancho Del Rey Master Planned Area will be completed prior to any lots being sold in Stonegate 2 Subdivision (Planning Parcel P8).

7. The Zone Change request and Master Plan Amendment is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

8. The following policies from the 1999 Comprehensive Plan are relevant to the current proposal:

   Elements & Policies

   Land Use Element - High Density Residential & Low Intensity Commercial
   1. Goal 1, Policy 1.3.4
   2. Goal 1, Policy 1.3.5
   3. Goal 1, Policy 1.3.6
   4. Goal 1, Policy 1.5.1

   Land Use Element – Open Space
   1. Goal 1, Policy 1.1.1

2. Goal 1, Policy 1.1.2
3. Goal 1, Policy 1.1.5
4. Goal 1, Policy 1.1.8
5. Goal 1, Policy 1.1.9

Land Use Element – Arroyo Protection
1. Goal 1, Policy 1.3.15
2. Goal 1, Policy 1.11.9

Growth Management Element
1. Goal 2, Policy 2.1.10

Urban Design Element – Conservation/Preservation
1. Goal 2, Policy 2.5.1
2. Goal 2, Policy 2.5.1
3. Goal 2, Policy 2.5.1

Urban Design Element – Design
1. Goal 3, Policy 3.9.4

ATTACHMENT "A"

Z2814 Zoning Tract Descriptions

- Tract A, 0.229 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract B, 1.002 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)
- Tract C, 1.006 ± acres, from C-1 (Commercial Low Intensity) to R-3 (Multi-Dwelling Medium Density)
- Tract D, 1.277 ± acres, from C-1 (Commercial Low Intensity) to R-1a (Single-Family Medium Density)
- Tract E, 4.797 ± acres, from A-2 (Rural Agricultural) to R-1a (Single-Family Medium Density)
- Tract F, 8.669 ± acres, from A-2 (Rural Agricultural) to OS-R (Open Space-Recreation)/FC (Flood Control)
- Tract G, 12.029 ± acres, from A-2 (Rural Agricultural) to FC (Flood Control)
- Tract K, 7.487 ± acres, from A-2 (Rural Agricultural) to C-1 (Commercial Low Intensity)
- Tract L, 21.488 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract M, 2.980 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract N, 51.711 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract Q, 0.054 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-1 (Commercial Low Intensity)
- Tract R, 7.806 ± acres, from A-1 (Flood Control) to R-2C (Multi-Dwelling Low Density Residential - Conditional).

TRACT DESCRIPTION
FOR A ZONE CHANGE REQUEST
IN THE RANCHO DEL REY MASTER PLANNED AREA
SEPTEMBER 2, 2011

TRACT A

EXISTING ZONE R-1a
PROPOSED ZONE R-3

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 29 AND 30, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S71°18'01"W A DISTANCE OF 2867.29 FEET; THENCE S68°00'37"W A DISTANCE OF 674.32 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE S68°00'37"W A DISTANCE OF 217.41 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROADRUNNER PARKWAY FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1340.00 FEET, A CURVE LENGTH OF 13.92 FEET, A DELTA OF 00°35'43", AND WHOSE LONG CHORD BEARS N52°53'13"W A DISTANCE OF 13.92 FEET TO A CORNER OF THIS TRACT; THENCE, ALONG A LINE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED EAGLES SUBDIVISION, THE FOLLOWING THREE COURSES: THENCE N17°38'08"E A DISTANCE OF 97.06 FEET TO A CORNER OF THIS TRACT; THENCE S83°40'23"E A DISTANCE OF 176.94 FEET TO A CORNER OF THIS TRACT; THENCE N89°55'37"E A DISTANCE OF 7.43 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 0.229 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT B

EXISTING ZONE R-3
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S71°18'01"W A DISTANCE OF 2867.29 FEET TO THE POINT OF BEGINNING AND MOST NORTHERLY CORNER OF THIS TRACT; THENCE S22°49'05"E A DISTANCE OF 420.91 FEET TO A CORNER OF THIS TRACT; THENCE S69°50'25"W A DISTANCE OF 43.43 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE WEST LINE OF THE STONE GATE SUBDIVISION THE FOLLOWING THREE COURSES: THENCE N34°03'50"W A DISTANCE OF 52.83 FEET TO A CORNER OF THIS TRACT; THENCE N18°12'10"W A DISTANCE OF 152.18 FEET TO A CORNER OF THIS TRACT; THENCE N22°17'42"W A DISTANCE OF 215.27 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED EAGLES SUBDIVISION THE FOLLOWING EIGHT COURSES: THENCE S59°54'19"W A DISTANCE OF 77.38 FEET TO A CORNER OF THIS TRACT; THENCE S49°19'34"W A DISTANCE OF 89.69 FEET TO A CORNER OF THIS TRACT; THENCE S56°21'23"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S63°04'14"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S69°47'05"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S76°29'56"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S83°12'47"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S89°55'37"W A DISTANCE OF 74.55 FEET TO A CORNER OF THIS TRACT; THENCE N68°00'37"E A DISTANCE OF 674.32 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 1.002 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT C
EXISTING ZONE C-1
PROPOSED ZONE R-3

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S87°55'27"W A DISTANCE OF 3169.21 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE S36°48'56"W, ALONG A LINE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED PINES SUMMIT SUBDIVISION, A DISTANCE OF 436.81 FEET TO THE SOUTHERLY CORNER OF THIS TRACT; THENCE N53°11'04"W, COINCIDENT WITH THE EAST LINE OF ROADRUNNER PARKWAY, A DISTANCE OF 118.32 FEET TO A CORNER OF THIS TRACT; THENCE N30°50'01"E A DISTANCE OF 220.62 FEET TO A CORNER OF THIS TRACT; THENCE N69°50'25"E A DISTANCE OF 259.28 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 1.006 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT D
EXISTING ZONE C-1
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S79°56'28"W A DISTANCE OF 2604.45 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S65°17'50"W A DISTANCE OF 186.55 FEET TO A CORNER OF THIS TRACT; THENCE N24°42'10"W A DISTANCE OF 118.79 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE WEST LINE OF THE STONE GATE SUBDIVISION THE FOLLOWING FOUR COURSES: THENCE N34°23'44"W A DISTANCE OF 76.23 FEET TO A CORNER OF THIS TRACT; THENCE N44°42'10"W A DISTANCE OF 225.00 FEET TO A CORNER OF THIS TRACT; THENCE N42°29'51"W A DISTANCE OF 89.73 FEET TO A CORNER OF THIS TRACT; THENCE N34°03'50"W A DISTANCE OF 63.64 FEET TO A CORNER OF THIS TRACT; THENCE N69°50'25"E A DISTANCE OF 43.43 FEET TO A CORNER OF THIS TRACT; THENCE S50°54'44"E A DISTANCE OF 613.21 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 1.277 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT E

EXISTING ZONE A-2
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S79°56'28"W A DISTANCE OF 2604.45 FEET TO THE POINT OF BEGINNING AND SOUTHWESTERLY CORNER OF THIS TRACT; THENCE N50°54'44"W A DISTANCE OF 117.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1760.00 FEET, A CURVE LENGTH OF 693.54 FEET, A DELTA OF 22°34'40", AND WHOSE LONG CHORD BEARS N62°44'00"E A DISTANCE OF 689.06 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1760.00 FEET, A CURVE LENGTH OF 461.10 FEET, A DELTA OF 15°00'39", AND WHOSE LONG CHORD BEARS N81°31'39"E A DISTANCE OF 459.78 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1680.00 FEET, A CURVE LENGTH OF 600.55 FEET, A DELTA OF 20°28'54", AND WHOSE LONG CHORD BEARS N78°47'31"E A DISTANCE OF 597.36 FEET; THENCE N68°33'05"E A DISTANCE OF 547.39 FEET TO A POINT ON THE CENTER LINE OF SETTLERS' PASS FOR A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE CENTER LINE OF SETTLERS' PASS THE FOLLOWING FIVE COURSES: THENCE S62°32'50"W A DISTANCE OF 305.08 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 663.66 FEET, A DELTA OF 14°05'00", AND WHOSE LONG CHORD BEARS S69°35'20"W A DISTANCE OF 661.99 FEET TO A CORNER OF THIS TRACT; THENCE S76°37'50"W A DISTANCE OF 452.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2000.00 FEET, A CURVE LENGTH OF 395.61 FEET, A DELTA OF 11°20'00", AND WHOSE LONG CHORD BEARS S70°57'50"W A DISTANCE OF 394.96 FEET TO A CORNER OF THIS TRACT; THENCE S65°17'50"W A DISTANCE OF 403.84 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 4.797 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT F

EXISTING ZONE A-2
PROPOSED ZONE OS-R/FC

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE N21°29'06"W A DISTANCE OF 476.98 FEET; THENCE S68°33'05"W A DISTANCE OF 341.83 FEET; THENCE S62°32'50"W A DISTANCE OF 110.54 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THIS TRACT; THENCE S25°21'38"E A DISTANCE OF 275.10 FEET TO A CORNER OF THIS TRACT; N69°56'10"E A DISTANCE OF 198.97 FEET TO A CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 235.02 FEET TO A POINT SAID GRANT LINE FOR A CORNER OF THIS TRACT; THENCE S21°29'06"E, ALONG SAID GRANT LINE, A DISTANCE OF 40.13 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 237.12 FEET TO A CORNER OF THIS TRACT; THENCE N69°56'10"E A DISTANCE OF 194.16 FEET TO A CORNER OF THIS TRACT; THENCE S52°21'45"W A DISTANCE OF 583.59 FEET TO A CORNER OF THIS TRACT; THENCE S34°57'40"E A DISTANCE OF 40.00 FEET TO A CORNER OF THIS TRACT; THENCE S55°02'20"W A DISTANCE OF 377.27 FEET TO A CORNER OF THIS TRACT; THENCE S64°51'55"W A DISTANCE OF 444.60 FEET TO A CORNER OF THIS TRACT; THENCE S49°52'21"W A DISTANCE OF 440.37 FEET TO A CORNER OF THIS TRACT; THENCE S74°58'50"W A DISTANCE OF 396.67 FEET TO A CORNER OF THIS TRACT; THENCE S34°02'38"W A DISTANCE OF 188.12 FEET TO A POINT ON THE CENTER LINE OF ROADRUNNER PARKWAY FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 40.86 FEET, A DELTA OF 00°33'58", AND WHOSE LONG CHORD BEARS N44°09'27"W A DISTANCE OF 40.86 FEET TO A CORNER OF THIS TRACT; THENCE N34°02'38"E A DISTANCE OF 194.69 FEET TO A CORNER OF THIS TRACT; THENCE N74°58'50"E A DISTANCE OF 402.69 FEET TO A CORNER OF THIS TRACT; THENCE N49°52'21"E A DISTANCE OF 436.72 FEET TO A CORNER OF THIS TRACT; N64°51'55"E A DISTANCE OF 446.42 FEET TO A CORNER OF THIS TRACT; THENCE N55°02'20"E A DISTANCE OF 213.83 FEET TO A CORNER OF THIS TRACT; THENCE N25°21'38"W A DISTANCE OF 492.42 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 535.52 FEET, A DELTA OF 11°21'50", AND WHOSE LONG CHORD BEARS N68°13'45"E A DISTANCE OF 534.64 FEET TO A CORNER OF THIS TRACT; THENCE N62°32'50"E A DISTANCE OF 194.54 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 8.669 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT G
EXISTING ZONE A-2
PROPOSED ZONE FC

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AP #43 OF THE DOÑA ANA BEND COLONY GRANT FOR THE SOUTHEAST CORNER OF THIS TRACT; THENCE S64°23'31"E, ALONG THE DOÑA ANA BEND COLONY GRANT LINE, A DISTANCE OF 80.81 FEET TO A CORNER OF THIS TRACT; THENCE S66°36'59"W A DISTANCE OF 551.94 FEET TO A CORNER OF THIS TRACT; THENCE S54°48'36"W A DISTANCE OF 1391.40 FEET TO A CORNER OF THIS TRACT; THENCE S70°10'55"W A DISTANCE OF 358.08 FEET TO A CORNER OF THIS TRACT; THENCE S43°08'57"W A DISTANCE OF 509.22 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG THE CENTER LINE OF ROADRUNNER PARKWAY BEING A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 262.76 FEET, A DELTA OF 03°38'27", AND WHOSE LONG CHORD BEARS N42°03'14"W A DISTANCE OF 262.72 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N34°02'38"E A DISTANCE OF 188.12 FEET TO A CORNER OF THIS TRACT; THENCE N74°58'50"E A DISTANCE OF 396.67 FEET TO A CORNER OF THIS TRACT; THENCE N49°52'21"E A DISTANCE OF 440.37 FEET TO A CORNER OF THIS TRACT; THENCE N64°51'55"E A DISTANCE OF 444.60 FEET TO A CORNER OF THIS TRACT; THENCE N55°02'20"E A DISTANCE OF 377.27 FEET TO A CORNER OF THIS TRACT; THENCE N34°57'40"W A DISTANCE OF 40.00 FEET TO A CORNER OF THIS TRACT; THENCE N52°21'45"E A DISTANCE OF 583.59 FEET TO A CORNER OF THIS TRACT; THENCE N69°56'10"E A DISTANCE OF 194.16 FEET TO A CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 237.12 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S21°29'06"E, ALONG THE DOÑA ANA BEND COLONY GRANT LINE, A DISTANCE OF 127.46 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 12.029 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT K

EXISTING ZONE A-2
PROPOSED ZONE C-1

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S50°24'49"W A DISTANCE OF 2612.27 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S50°56'44"E A DISTANCE OF 412.43 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE S46°10'57"W A DISTANCE OF 655.80 FEET TO POINT ALONG THE CENTER LINE OF ROADRUNNER PARKWAY FOR THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 363.53 FEET, A DELTA OF 5°02'14", AND WHOSE LONG CHORD BEARS N50°39'57"W A DISTANCE OF 363.42 FEET TO A CORNER OF THIS TRACT; THENCE N53°11'04"W A DISTANCE OF 150.10 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N36°48'56"E A DISTANCE OF 150.00 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET, A CURVE LENGTH OF 223.69 FEET, A DELTA OF 28°28'54", AND WHOSE LONG CHORD BEARS N51°03'23"E A DISTANCE OF 221.40 FEET TO A CORNER OF THIS TRACT; THENCE N65°17'50"E A DISTANCE OF 321.52 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 7.487 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT L

EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S66°05'37"W A DISTANCE OF 1147.63 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S55°02'20"W A DISTANCE OF 213.83 FEET TO A CORNER OF THIS TRACT; THENCE S64°51'55"W A DISTANCE OF 446.42 FEET TO A CORNER OF THIS TRACT; THENCE S49°52'21"W A DISTANCE OF 436.72 FEET TO A CORNER OF THIS TRACT; THENCE S74°58'50"W A DISTANCE OF 402.69 FEET TO A CORNER OF THIS TRACT; THENCE S34°02'38"W A DISTANCE OF 194.69 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG THE CENTER LINE OF ROADRUNNER PARKWAY BEING A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 267.51 FEET, A DELTA OF 3°42'24", AND WHOSE LONG CHORD BEARS N46°17'38"W A DISTANCE OF 267.47 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N46°10'57"E A DISTANCE OF 655.80 FEET TO A CORNER OF THIS TRACT; THENCE N50°56'44"W A DISTANCE OF 412.43 FEET TO A CORNER OF THIS TRACT; THENCE N65°17'50"E A DISTANCE OF 333.88 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET, A CURVE LENGTH OF 395.61 FEET, A DELTA OF 11°20'00", AND WHOSE LONG CHORD BEARS N70°57'50"E A DISTANCE OF 394.96 FEET TO A CORNER OF THIS TRACT; THENCE N76°37'50"E A DISTANCE OF 452.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 128.15 FEET, A DELTA OF 02°43'10", AND WHOSE LONG CHORD BEARS N75°16'15"E A DISTANCE OF 128.13 FEET TO A CORNER OF THIS TRACT; THENCE S25°21'38"E A DISTANCE OF 492.42 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 21.488 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT M
EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE N21°29'06"W A DISTANCE OF 167.59 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S73°04'55"W A DISTANCE OF 235.02 FEET TO A CORNER OF THIS TRACT; THENCE S69°56'10"W A DISTANCE OF 198.97 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N25°21'38"W A DISTANCE OF 275.10 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N62°32'50"E A DISTANCE OF 110.54 FEET TO A CORNER OF THIS TRACT; THENCE N68°33'05"E A DISTANCE OF 341.83 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S21°29'06"E A DISTANCE OF 309.40 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 2.980 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

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TRACT N

EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE S64°23'31"E A DISTANCE OF 80.81 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THIS TRACT; THENCE S64°23'31"E, ALONG SAID GRANT LINE, A DISTANCE OF 1106.24 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE S65°08'57"W A DISTANCE OF 3336.36 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N43°43'43"W A DISTANCE OF 19.84 FEET TO A POINT OF CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1400.00 FEET, A CURVE LENGTH OF 178.48 FEET, A DELTA OF 07°18'16", AND WHOSE LONG CHORD BEARS N40°04'35"W A DISTANCE OF 178.36 FEET TO A POINT OF REVERSE CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 274.90 FEET, A DELTA OF 03°48'33, AND WHOSE LONG CHORD BEARS N38°19'44"W A DISTANCE OF 274.85 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N43°08'57"E A DISTANCE OF 509.22 FEET TO A CORNER OF THIS TRACT; THENCE N70°10'55"E A DISTANCE OF 358.08 FEET TO A CORNER OF THIS TRACT; THENCE N54°48'36"E A DISTANCE OF 1391.40 FEET TO A CORNER OF THIS TRACT; THENCE N66°36'59"E A DISTANCE OF 551.94 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 51.711 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT Q

EXISTING ZONE R-3
PROPOSED ZONE C-1

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S87°55'27"W A DISTANCE OF 3169.21 FEET TO THE POINT OF BEGINNING AND SOUTHWEST CORNER OF THIS TRACT; THENCE N36°48'56"E, FROM SAID POINT OF BEGINNING, A DISTANCE OF 94.10 FEET TO A CORNER OF THIS TRACT; THENCE S34°03'50"E A DISTANCE OF 52.83 FEET TO A CORNER OF THIS TRACT; THENCE S69°50'25"W A DISTANCE OF 91.59 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 0.054 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT R

EXISTING ZONE A-1
PROPOSED ZONE R-2

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE S64°23'31"E A DISTANCE OF 1187.05 FEET; THENCE S65°08'57"W A DISTANCE OF 3336.36 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S65°08'57"W A DISTANCE OF 1488.86 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N46°40'40"E A DISTANCE OF 1446.04 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 274.90 FEET, A DELTA OF 03°48'33, AND WHOSE LONG CHORD BEARS S38°19'44"E A DISTANCE OF 274.85 FEET TO A POINT OF REVERSE CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1400.00 FEET, A CURVE LENGTH OF 178.48 FEET, A DELTA OF 07°18'16", AND WHOSE LONG CHORD BEARS S40°04'35"E A DISTANCE OF 178.36 FEET TO A POINT OF TANGENCY FOR A CORNER OF THIS TRACT; THENCE S43°43'43"E A DISTANCE OF 19.84 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 7.806 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

ATTACHMENT C

City of Las Cruces®
PEOPLE HELPING PEOPLE

Planning & Zoning Commission Staff Report

Date: August 17, 2011

CASE #	S-09-053 and Z2814
PROJECT NAME:	Rancho Del Rey Major Amendment to Master Plan & Zone Change Request
APPLICANT:	Underwood Engineering
PROPERTY OWNER:	Eddie Binns
REQUEST:	Zone change request for 120.535 ± acres and for a major master plan amendment for 279.438 ± acres and 23 planning parcels
PROPOSED USE:	Single-family/multi-family residential, office and commercial
SIZE:	279.438 ± acres
CURRENT ZONING:	R-1a (Single-Family Medium Density), R-3 (Multi-Dwelling Medium Density), C-1 (Commercial Low Intensity), C-3C (Commercial High Intensity-Conditional), M-2 (Industrial Standard), A-1 (Flood Control) and A-2 (Rural Agricultural)
LOCATION:	Located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area; Parcel ID# 02-38952 and 02-07938
COUNCIL DISTRICT:	5
PLANNING COMMISSION DATE:	August 23, 2011
PREPARED BY:	Helen Revels, Associate Planner
STAFF RECOMMENDATION:	Approval with Conditions

PROPERTY INFORMATION

Address/Location: Located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area; Parcel ID# 02-38952 and 02-07938

Acreage: 279.438 ± acres

Current Zoning: R-1a (Single-Family Medium Density), R-3 (Multi-Dwelling Medium Density), C-1 (Commercial Low Intensity), C-3C (Commercial High Intensity-Conditional), M-2 (Industrial Standard), A-1 (Flood Control) and A-2 (Rural Agricultural)

Current Land Use: Single-family residential, commercial and vacant, undeveloped land

Proposed Zoning: Multiple zone changes, see following table:

Zoning Tract	Acreage	Existing Zoning	Proposed Zoning
A	0.229	R-1a (Single-Family Medium Density)	R-3 (Multi-Dwelling Medium Density)
B	1.002	R-3 (Multi-Dwelling Medium Density)	R-1a (Single-Family Medium Density)
C	1.006	C-1 (Commercial Low Intensity)	R-3 (Multi-Dwelling Medium Density)
D	1.277	C-1 (Commercial Low Intensity)	R-1a (Single-Family Medium Density)
E	4.797	A-2 (Rural Agricultural)	R-1a (Single-Family Medium Density)
F	8.669	A-2 (Rural Agricultural)	OS-R (Open Space-Recreation)/FC (Flood Control)
G (Sandhill Arroyo)	12.029	A-2 (Rural Agricultural)	FC (Flood Control)
H	129.028	R-1a (Single-Family Medium Density)	**No Change**
I	8.583	R-3 (Multi-Dwelling Medium Density)	**No Change**
J	6.645	C-1 (Commercial Low Intensity)	**No Change**
K	7.487	A-2 (Rural Agricultural)	C-1 (Commercial Low Intensity)
L	21.488	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
M	2.980	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
N	51.711	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
O	11.560	M-2 (Industrial Standard)	**No Change**
P	3.085	C-3C (Commercial High Intensity-Conditional)	**No Change**
Q	0.054	R-3 (Multi-Dwelling Medium Density)	C-1 (Commercial Low Intensity)
R	7.806	A-1 (Flood Control)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)

Proposed Land Use: Single-family/multi-family residential, commercial and industrial

Is the subject property located within an overlay district? Yes ☐ No ☒
If yes which overlay district?

Table 1: Site Analysis

Development Standards for Existing Zoning of R-1a (Single-Family Medium Density)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/50 feet
Maximum Building Height	35 feet
Development Standards for Existing Zoning of R-3 (Multi-Dwelling Medium Density)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	50/50 feet
Maximum Building Height	35 feet
Development Standards for Existing Zoning of C-1 (Commercial Low Intensity)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	32,670 square feet
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	35 feet
Development Standards for Existing Zoning of C-3C (Commercial High Intensity w/Condition)	
Minimum Lot Size	21,780 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	60 feet
Development Standards for Existing Zoning of M-2 (Industrial Standard)	
Minimum Lot Size	15,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/60 feet
Maximum Building Height	60 feet

Development Standards for Proposed Zoning of R-1a (Single-Family Medium Density)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/50 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of R-3 (Multi-Dwelling Medium Density)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/50 feet
Maximum Building Height	35 feet
Development Standards for Existing Zoning of R-4 (Multi-Dwelling High Density & Limited Retail and Office)	
Minimum Lot Size	8,500 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	100/70 feet
Maximum Building Height	60 feet
Development Standards for Proposed Zoning of C-1 (Commercial Low Intensity)	
Minimum Lot Size	5,000 square feet
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	70/50 feet
Maximum Building Height	35 feet
Development Standards for Proposed Zoning of FC (Flood Control)	
Minimum Lot Size	N/A
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	N/A
Maximum Building Height	N/A
Development Standards for Proposed Zoning of OS-R (Open Space-Recreation)	
Minimum Lot Size	N/A
Maximum Lot Size	N/A
Minimum Lot Depth/ Width	N/A
Maximum Building Height	N/A

PHASING

Is phasing proposed? Yes ☒ No ☐

If yes, how many phases? Residential planning parcels will be subdivided through the preliminary plat process. Future preliminary plats will identify the proposed phases. Commercial and/or industrial planning parcels will be subdivided utilizing the alternate summary process.

Timeframe for implementation: N/A

ADJACENT ZONING AND LAND USE INFORMATION

Table 2: Land Uses

Location		Existing Use	Zoning District	Zoning Designation
Subject Properties		Single-Family Residential, Commercial Use, and Vacant, Undeveloped Land	R-1a, R-3, C-1, C-3C, M-2, A-1, A-2	Single-Family High Density, Multi-Dwelling Medium Density, Commercial Low Intensity, Commercial High Intensity-Conditional, Industrial Standard, Flood Control, Rural Agricultural
Surrounding Properties	North	Single-Family Residential and Vacant, Undeveloped Land	R-1a, R-1b	Single-Family Medium Density, Single-Family High Density
	South	Single-Family Residential, Multi-Family Residential, Commercial Use, US Highway 70, Sandhill Arroyo and Vacant, Undeveloped Land	R-2, R-3, C-2, A-2	Multi-Dwelling Low Density, Multi-Dwelling Medium Density, Commercial Medium Intensity, Rural Agricultural
	East	Single-Family Residential and Vacant, Undeveloped Land	FC, PUD, R-1a	Flood Control, Planned Unit Development, Single-Family Medium Density
	West	Single Family Residential, Multi-Family Residential, Commercial Use, Sandhill Arroyo and Vacant, Undeveloped Land	R-3, R-3C, C-1C, C-2, A-1, A-2	Multi-Dwelling Medium Density, Multi-Dwelling Medium Density-Conditional, Commercial Low Intensity-Conditional, Commercial Medium Intensity Flood Control, Rural Agricultural

HISTORY

Previous applications? Yes ☒ No ☐

Previous ordinance numbers? Ordinance 441, 1213, 1662, 2413, 2463

Previous uses if applicable: Ordinance 441 approved an initial zoning of A-2 (Rural Agricultural) for an annexation 458.135 ± acres of land on June 21, 1982; the applicant was W. E. Binns.

Ordinance 1213 approved a zone change to correct the zoning designation of the Sandhill Arroyo to A-1 (Flood Control) on November 5, 1990; the applicant was the City of Las Cruces.

Ordinance 1662 approved multiple zone changes on 150 ± acres of land on February 17, 1998; the applicant was Mesilla Valley Improvement Inc.

Ordinance 2413 approved a zone change to C-3C (Commercial High Intensity-Conditional) for 3.33 ± acres of land on October 27, 2007 with the condition that all new utilities be placed underground; the applicant was Binns Ltd. Co.

COMPREHENSIVE PLAN

Elements & Policies

Land Use Element - High Density Residential & Low Intensity Commercial

1. Goal 1, Policy 1.3.4
2. Goal 1, Policy 1.3.5
3. Goal 1, Policy 1.3.6
4. Goal 1, Policy 1.5.1

Land Use Element – Open Space

1. Goal 1, Policy 1.1.1
2. Goal 1, Policy 1.1.2
3. Goal 1, Policy 1.1.5
4. Goal 1, Policy 1.1.8
5. Goal 1, Policy 1.1.9

Land Use Element – Arroyo Protection

1. Goal 1, Policy 1.3.15
2. Goal 1, Policy 1.11.9

Growth Management Element

1. Goal 2, Policy 2.1.10

Urban Design Element – Conservation/Preservation

1. Goal 2, Policy 2.5.1
2. Goal 2, Policy 2.5.1
3. Goal 2, Policy 2.5.1

Urban Design Element – Design

1. Goal 3, Policy 3.9.4

Analysis: The proposed master plan amendment and zone change will change the type of housing product around the Sandhill Arroyo. The change to multi-family uses from single-family uses will create a true multi-family product with 30 to 40 dwelling units per acre. The 2004 master plan amendment consisted of 26.404 ± acres of land for commercial/office uses, 1,640 single-family dwelling units and 374 multi-family dwelling units for a total of 2,014 dwelling units. The proposed master plan amendment consists of 26.04 ± acres of land for commercial/office uses, a range of 455 to 752 single-family dwelling units and a range of 2,422 to 3,230 multi-family dwelling units for a total of 2,877 to 3,982 dwelling units; an increase of 863 to 1,968 dwelling units. Although the multiple-family dwelling units have greatly increased, it has very difficult to achieve this type of product in the development community. The zone change request consist of multiple zone changes on 12 zoning tracts and contains 120.535 ± acres and is in concert with the proposed master plan amendment.

The additional residential development proposed raises concerns about encroachments on the Sandhill Arroyo system as well as the need for additional open space and recreational areas. Staff recommends an additional 40-foot OS-NC (Open Space-Natural /Conservation) linear strip on the south side of the arroyo outside the flood zone area (beyond the FEMA boundary). The already proposed 40-foot OS-

R/FC linear strip on the north side of the arroyo shall also be located outside the flood zone (beyond the FEMA boundary) and it shall be a continuous path from Roadrunner Parkway to eastern boundary of the Rancho Del Rey master plan area. This would provide additional recreation and open space areas to the development which will be an added benefit to the neighborhood. A natural, undeveloped linear park providing passive recreation opportunities; connectivity for pedestrians and cyclists between Roadrunner and Rinconada; greater protection from stormwater runoff and flooding hazards; and greater wildlife habitat protection.

REVIEWING DEPARTMENT COMMENTS

Fire Prevention:

Accessibility Issues	low	med	high
Building Accessibility	☐	☒	☐
Secondary Site/Lot Accessibility	☐	☐	☐
Fireflow/Hydrant Accessibility	☐	☐	☐

Type of building occupancy: R

Nearest Fire Station
Distance: 0.63 ± miles
Address: 2750 Northrise Boulevard
Adequate Capacity to Accommodate Proposal? Yes ☒ No ☐

Additional Comments: Any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Design Standards, Subdivision Code, Building Code, and/or Fire Code. Recommendation of approval.

Police Department:

Additional Comments: The police department did not review this application, since there is no new construction proposed at this time.

Engineering Services:

Flood Zone Designation: Zone A and Zone X

Development Improvements:

Drainage calculation needed	Yes ☒	No ☐	N/A ☐
Drainage study needed	Yes ☒	No ☐	N/A ☐
Other drainage improvements needed	Yes ☒	No ☐	N/A ☐
Sidewalk extension needed	Yes ☒	No ☐	N/A ☐
Curb & gutter extension needed	Yes ☒	No ☐	N/A ☐
Paving extension needed	Yes ☒	No ☐	N/A ☐
NMDOT permit needed	Yes ☒	No ☐	N/A ☐

Additional Comments: The items checked above will be addressed when the planning parcels are subdivided. Site is currently undeveloped; any new improvements, at either the time of subdivision or building permit, will require conformance with City of Las Cruces Flood Zone Ordinance 1933 and City of Las Cruces Design Standards. Recommendation of approval with the following condition:

- It is understood that there is an existing sewer line in proposed Parcel 13. The location of the park/dual use facility must not negatively affect the sewer line or vice versa. Be advised that this is only a conceptual plan, it must be demonstrated that the location of the park/dual-use facility and the sewer line is feasible. Per CLC Design Standards, the increased post-development volume must be retained and the post-development peak flow must not exceed historic flow.

MPO

Road classifications: Roadrunner Parkway, Principal Arterial, 120' ROW required, adjacent to the east and west side of subject property; Rinconada Boulevard, Collector, 85' ROW required, adjacent to the east side of subject property; Settlers Pass, Collector, 85' ROW required, adjacent to the north and south side of subject property.

Additional Comments: Recommendation of approval.

Public Transit

Where is the nearest bus stop (miles)? 0.391 ± miles

Is the developer proposing the construction of new bus stops/shelters? Yes ☐ No ☒ N/A ☐

Explain: No new bus stops/ shelters are required at this time.

Traffic Engineering:

Is development adjacent to a State Highway System? Yes ☒ No ☐ N/A ☐

If yes, please specify the reviewing comments by the New Mexico Department of Transportation:

Are road improvements necessary? Yes ☐ No ☐ N/A ☒

If yes, please explain:
Was a TIA required? Yes ☐ No ☒ N/A ☐

If yes, summarize the findings:

Did City of Las Cruces Traffic Engineer Require a TIA? No

The proposed use ***will*** ☐ or ***will not*** ☒ adversely affect the surrounding road network.

Site Accessibility

Adequate driving aisle	Yes ☐	No ☐	N/A ☒
Adequate curb cut	Yes ☐	No ☐	N/A ☒
Intersection sight problems	Yes ☐	No ☐	N/A ☒
Off-street parking problems	Yes ☐	No ☐	N/A ☒

On-Street Parking Impacts

None ☐ Low ☐ Medium ☐ High ☐ N/A ☒

Explain: On street parking not required

Future Intersection Improvements

Yes ☐ If yes what intersection?
No ☐ If no, when (timeframe)?
N/A ☒

Additional Comments: The remaining half of Roadrunner Parkway from Parkhill Estates to the intersection with Settlers pass shall be constructed as follows:

- The portion that fronts the Eagles 1 Subdivision (Planning Parcel P1) shall be constructed when the Eagles 1 Subdivision is constructed.
- The portion that fronts Pine Summit Subdivision (Planning Parcel P5) shall be constructed when Pine Summit Subdivision is constructed.
- The portion that fronts the commercial planning parcel P6 shall be constructed when either the Eagles 2 or Stonegate 2 subdivisions are constructed.

The remaining portion of Settlers Pass from the eastern boundary of Stonegate 1 to the eastern boundary of Rancho Del Rey Master Planned Area will be completed prior to any lots being sold in Stonegate 2 Subdivision (Planning Parcel P8).

Any new improvements, at either the time of subdivision or building permit, will require conformance with the City of Las Cruces Curb Cut Ordinance 1250, the Design Standards and/ or Zoning Code. Recommendation of approval.

Water Availability and Capacity:

Source of water: CLC ☒ Other:
CLC water system capable of handling increased usage? Yes ☒ No ☐ N/A ☐
If no, is additional service available? Yes ☐ No ☐ N/A ☐

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval with the following condition:

- The City of Las Cruces Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed.

Wastewater Availability and Capacity

Wastewater service type: CLC ☒ On-lot septic ☐

CLC wastewater service capable of handling increased usage? Yes ☒ No ☐ N/A ☐

If no, is additional service available? Yes ☐ No ☐

Potential problems with gravity wastewater system or system connection? Yes ☒ No ☐ N/A ☐

If yes, can potential problems be handled through development or building permit process? Yes ☒ No ☐

If development is being served by on-lot septic, please specify review comments by the New Mexico Environmental Department: N/A

Additional Comments: The responsible property owner/applicant/subdivider is responsible for the extension of any and all utilities to the property at either the time of subdivision or building permit process; and said extensions must conform to all applicable City of Las Cruces requirements. Recommendation of approval with the following condition:

- The City of Las Cruces Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed.

Gas Utilities

Gas Availability

Natural gas service available? Yes ☒ No ☐ N/A ☐

If yes, is the service capable of handling the increased load? Yes ☒ No ☐ N/A ☐

Need BTUH requirements? Yes ☐ No ☐ N/A ☒

Public Schools

Nearest Schools:

1. Elementary: Highland Elementary Distance (miles): 0.76 ±
   Enrollment: 806
2. Middle School: Camino Real Middle School Distance (miles): 0.83 ±
   Enrollment: 1,137
3. High School: Onate High School Distance (miles): 2.45 ±
   Enrollment: 2,075

Adequate capacity to accommodate proposal? Yes ☐ No ☐ N/A ☒

Explain: The Las Cruces Public Schools did not review this application.

DESIGN STANDARDS ANALYSIS

Parking

Is there existing parking on the site? Yes ☐ No ☒ N/A ☐

If yes, how many parking spaces presently exist? How many are accessible?

If no, will parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

If yes, how many parking spaces will be required? Parking calculations are based on land uses; the subject properties have identified multiple land uses and the number of parking spaces required cannot be determined at this time. Parking requirements will be verified at time of building permit.

How many accessible? None

Is there existing bicycle parking on the site? Yes ☐ No ☒ N/A ☐

If yes, describe:

Will bicycle parking be required for the proposed use? Yes ☒ No ☐ N/A ☐

Comments: Bicycle parking calculations are based on land uses; the subject properties have identified multiple land uses and the number of bicycle parking spaces required cannot be determined at this time. Bicycle parking requirements will be verified at time of building permit.

Landscaping and Buffering

Is there existing landscaping on the subject property? Yes ☐ No ☒ N/A ☐

If yes, is the landscaping adequate to serve the proposed use? Yes ☐ No ☐

If no, what landscaping will be required? Landscape requirements are based on the type of land use. The subject properties have identified multiple land uses; therefore, landscape requirements will be assessed at time of development.

Are there existing buffers on the subject property? Yes ☐ No ☒ N/A ☐

If yes, are the buffers adequate to serve the proposed use? Yes ☐ No ☐

If no, what additional buffering will be required? Buffering requirements are based on the type of land use. The subject properties have identified multiple land uses; therefore, buffering requirements will be assessed at time of development.

Open Space, Parks, Recreation and Trails

Are there presently any existing open space areas, parks or trails on or near the subject property? Yes ☒ No ☐ N/A ☐

If yes, how is connectivity being addressed? Explain: A 40 feet wide walking path on the north side of the Sandhill Arroyo is being proposed.

Are open space areas, parks or trails a requirement of the proposed use?
Yes ☒ No ☐ N/A ☐

Are open space areas, parks or trails being proposed? Yes ☒ No ☐ N/A ☐

Explain: A 7.901 ± acre dual use facility (planning parcel 13) and a 40 feet wide walking path on the north side of the Sandhill Arroyo are being proposed. Recommendation of approval with the following conditions:

1. Park impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces.

2. Final design of the park must be submitted and approved by the Facilities Director and/or official designee prior to any development plans being submitted for planning parcels nine through twenty-two, excluding existing approved development as of November of 2010 and/or any development beyond Stonegate Two.

3. Upon completion of 50% to 75% of the Rancho Del Rey Master Plan area, the park identified as Planning Parcel P13 and the 40' wide walking path facility will need to be constructed in their entirety.

4. Based on the overall dwelling units, the requirements for the acreage could change substantially from the seven acres all the way up to twelve or thirteen acres.

Table 3: Special Characteristics

Characteristic	Applies to Project?	Explanation
EBID Facilities	No	N/A
Medians/ Parkways Landscaping	Yes	Roadrunner Parkway and Settlers Pass will require median/parkway improvements at time of development.

Table 4: Project Chronology

Date	Action
10/21/2009*	Application submitted to Development Services
10/21/2009*	Case sent out for review to all reviewing departments
05/25/2011	All comments returned by all reviewing departments
05/09/2011	Staff reviews and recommends approval of the zone change
08/07/2011	Newspaper advertisement
08/12/2011	Public notice letter mailed to neighboring property owners
08/12/2011	Sign posted on property
08/23/2011	Planning and Zoning Commission public hearing

***The applicant did not resurrect the submittal process until November 2010.**

SUMMARY AND CONCLUSIONS

The proposed multiple zone changes will allow for the development of single-family and multi-family residential, office, commercial and industrial land uses. The zone change request consist of multiple zone change on 12 zoning tracts and contains 120.535 acres of land known as the Rancho Del Rey mastered planned area. The proposed zone changes are listed below:

Zoning Tract	Acreage	Existing Zoning	Proposed Zoning
A	0.229	R-1a (Single-Family Medium Density)	R-3 (Multi-Dwelling Medium Density)
B	1.002	R-3 (Multi-Dwelling Medium Density)	R-1a (Single-Family Medium Density)
C	1.006	C-1 (Commercial Low Intensity)	R-3 (Multi-Dwelling Medium Density)
D	1.277	C-1 (Commercial Low Intensity)	R-1a (Single-Family Medium Density)
E	4.797	A-2 (Rural Agricultural)	R-1a (Single-Family Medium Density)
F	8.669	A-2 (Rural Agricultural)	OS-R (Open Space-Recreation)/FC (Flood Control)
G (Sandhill Arroyo)	12.029	A-2 (Rural Agricultural)	FC (Flood Control)
H	129.028	R-1a (Single-Family Medium Density)	**No Change**
I	8.583	R-3 (Multi-Dwelling Medium Density)	**No Change**
J	6.645	C-1 (Commercial Low Intensity)	**No Change**
K	7.487	A-2 (Rural Agricultural)	C-1 (Commercial Low Intensity)
L	21.488	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
M	2.980	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
N	51.711	A-2 (Rural Agricultural)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)
O	11.560	M-2 (Industrial Standard)	**No Change**
P	3.085	C-3C (Commercial High Intensity-Conditional)	**No Change**
Q	0.054	R-3 (Multi-Dwelling Medium Density)	C-1 (Commercial Low Intensity)
R	7.806	A-1 (Flood Control)	R-4 (Multi-Dwelling High Density & Limited Retail and Office)

The proposed master plan amendment consists of 23 planning parcels with a range of 2,877 to 3,982 dwelling units on 279.438 acres of land. The amendment proposes to adjust existing planning parcel boundaries to be in concert with the proposed zone changes and create a true multi-family product with 30 to 40 dwelling units per acre around the Sandhill Arroyo. The proposed master plan amendment consists of 26.04 ± acres of land for commercial/office uses, a range of 455 to 752 single-family dwelling units and a range of 2,422 to 3,230 multi-family dwelling units; an increase of 863 to 1,968 dwelling units.

The proposed master plan amendment also provides a proposed park, planning parcel P13 and a 40' wide walking path along the north side of the Sandhill Arroyo. Staff also recommends that an additional 40-foot OS-NC (Open Space-Natural /Conservation) linear strip on the south side of the arroyo outside the flood zone area (beyond the FEMA boundary) be provided. Staff also encourages that the already proposed 40-foot OS-R/FC linear strip on the north side of the arroyo shall also be located outside the flood zone (beyond the FEMA boundary) and it shall be a continuous path from Roadrunner Parkway to eastern boundary of the Rancho Del Rey master plan area. The two pathways will provide additional recreation and open space areas to the development which will be an added benefit to the neighborhood.

The 2004 master plan amendment had 22 planning parcels and consisted of 26.404 ± acres of land for commercial/office uses, 1,640 single-family dwelling units and 374 multi-family dwelling units for a total of 2,014 dwelling units. The proposed planning parcels for the Rancho Del Rey Master Plan Amendment No. 2 are listed below:

Planning Parcel #	Proposed Land Use	Acres	Proposed Dwelling Units per Acre	Proposed Minimum Dwelling Units	Proposed Maximum Dwelling Units	Dwelling Units 2004 Amendment
P1	Single-Family Medium Density Residential	19.594	4	54	78	74 (Single-Family)
P2	Single-Family Medium Density Residential	19.343	4	56	77	55 (Single-Family)
P3	Single-Family Medium Density Residential	25.778	4	74	103	55 (Single-Family)
P4	Single-Family Medium Density Residential	10.180	4	28	41	70 (Single-Family)
P5	Single-Family High Density Residential	9.252	7	32	55	54 (Single-Family)
P6	Commercial Low Intensity	5.245	1 Per Parcel	N/A	N/A	N/A - Commercial
P7	Single-Family Medium Density Residential	15.500	6	42	93	84 (Single-Family)
P8	Single-Family Medium Density Residential	29.688	6	97	178	122 (Single-Family)
P9	Single-Family Medium Density Residential	21.085	6	72	127	92 (Single-Family)
P10	Commercial Low Intensity	6.150	1 Per Parcel		N/A	56 (Single-Family)
P11	Multi-Dwelling High Density Residential	3.761	20	113	150	65 (Single-Family)
P12	Multi-Dwelling High Density Residential	16.100	20	483	644	N/A - Commercial
P13	Open Space/Flood Control	7.901	N/A		N/A	78 (Single-Family)
P14	Multi-Dwelling High Density Residential	2.679	20	80	107	281 (Single-Family)
P15	Sandhill Hill Arroyo	11.661	N/A		N/A	128 (Single-Family)
P16	Multi-Dwelling High Density Residential	7.168	20	215	287	96 (Multi-Family)
P17	Multi-Dwelling High Density Residential	30.072	20	902	1,203	264 (Single-Family)
P18	Multi-Dwelling High Density Residential	12.342	20	370	494	162 (Single-Family)
P19	Multi-Dwelling High Density Residential	5.779	20	173	231	128 (Multi-Family)
P20	Multi-Dwelling High Density Residential	2.850	20	86	114	150 (Multi-Family)
P21	Office/Commercial	11.560	1 Per Parcel	N/A	N/A	N/A – Office & Commercial
P22	Office/Commercial	3.085	1 Per Parcel	N/A	N/A	N/A – Office & Commercial
P23	ROW – Roadrunner Parkway	2.667	N/A	N/A	N/A	N/A
	Total Dwelling Units	**279.438**	**N/A**	**2,877**	**3,982**	**2,014**

FINDINGS

1. The subject property is located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area; Parcel ID# 02-38952 and 02-07938. The property currently consists of single-family residential uses, commercial/office uses and vacant, undeveloped land.

2. The zone change request consist of multiple zone changes on 12 zoning tracts and contains 120.535 ± acres of land known as the Rancho Del Rey master plan area.

3. The Master Plan Amendment includes 23 planning parcels and contains 279.438 ± acres of land. The amendment proposes a range of 2,877 to 3,982 of dwelling units and will adjust existing planning parcel boundaries to be in concert with the proposed zone changes and create a true multi-family product with 30 to 40 dwelling units per acre around the Sandhill Arroyo.

4. Staff recommends an additional 100-foot OS-NC (Open Space-Natural /Conservation) linear strip on the south side of the arroyo (beyond the FEMA boundary) and another 60 feet added to the already proposed 40-foot OS-R/FC linear strip on the north side of the arroyo to provide an additional recreation and open space areas to the development.

5. The remaining half of Roadrunner Parkway from Parkhill Estates to the intersection with Settlers Pass shall be constructed as follows:
    - The portion that fronts the Eagles 1 Subdivision (Planning Parcel P1) shall be constructed when the Eagles 1 Subdivision is constructed.
    - The portion that fronts Pine Summit Subdivision (Planning Parcel P5) shall be constructed when Pine Summit Subdivision is constructed.
    - The portion that fronts the commercial planning parcel P6 shall be constructed when either the Eagles 2 or Stonegate 2 subdivisions are constructed.

6. The remaining portion of Settlers Pass from the eastern boundary of Stonegate 1 to the eastern boundary of Rancho Del Rey Master Planned Area will be completed prior to any lots being sold in Stonegate 2 Subdivision (Planning Parcel P8).

7. The Zone Change request and Master Plan Amendment is consistent with the Goals, Objectives and Policies of City of Las Cruces Comprehensive Plan.

DRC RECOMMENDATION

On May 25, 2011, the Development Review Committee (DRC) reviewed the proposed master plan amendment. The DRC reviews master plans from an infrastructure, utilities and public improvement standpoint. After some discussion regarding the proposed park and utility infrastructure requirements, the DRC recommended conditional approval of the master plan. The conditions are stipulated as follows:

1. Park impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces.

2. Final design of the park must be submitted and approved by the Facilities Director and/or official designee prior to any development plans being submitted for planning parcels nine through twenty-two, excluding existing approved development as of November of 2010 and/or any development beyond Stonegate Two.

3. Upon completion of 50% to 75% of the Rancho Del Rey Master Plan area, the park identified as Planning Parcel P13 and the 40' wide walking path facility will need to be constructed in their entirety.

4. Based on the overall dwelling units, the requirements for the acreage could change substantially from the seven acres all the way up to twelve or thirteen acres.

5. The City of Las Cruces Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed.

6. It is understood that there is an existing sewer line in proposed parcel 13. The location of the park/dual use facility must not negatively affect the sewer line or vice versa. Be advised that this is only a conceptual plan, it must be demonstrated that the location of the park/dual-use facility and the sewer line is feasible. Per CLC Design Standards, the increased post-development volume must be retained and the post-development peak flow must not exceed historic flow.

STAFF RECOMMENDATION

Staff has reviewed the zone change and master plan amendment and based on the preceding findings recommends approval with the conditions set forth at DRC meeting on May 25, 2011.

ATTACHMENTS

1. Development Statement
2. Master Plan Amendment
3. Zoning Plat
4. Comprehensive Plan Elements and Policies
5. DRC Minutes – May 25, 2011
6. Metes and Bounds Descriptions of Zoning Tracts
7. Public Comments
8. Zoning Map
9. Vicinity Map

DEVELOPMENT STATEMENT for City Subdivision Applications

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: BINNS II LTD CO 12-29-03

Contact Person: EDDIE BINNS

Contact Phone Number: 575-522-2211

Contact e-mail Address: _____

Web site address (if applicable): _____

Proposal Information

Name of Proposal: MASTER PLAN AMENDMENT 2, RANCHO DEL REY

Type of Proposal (single-family subdivision, townhouse, apartments, commercial/industrial)

(THIS APPLICATION IS FOR THE AMENDMENT OF THE MASTER PLAN)

Location of Subject Property EAST OF ROADRUNNER, WEST OF RINCONADA, NORTH OF HWY 70

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Acreage of Subject Property: ~~152.7~~ 279.438

Zoning of Subject Property: R-1a, R-3, C-1

Proposed number of lots N/A, to be developed in _____ phase (s).

Proposed square footage range of homes to be built _____ to _____

Anticipated traffic generation _____ trips per day.

Anticipated development schedule: work will commence on or about _____

and will take _____ to complete.

How will stormwater be retained on site (detention facility, on-lot ponding, etc.)?

_____

DEVELOPMENT STATEMENT for Zoning Applications
(Use for Zone Changes, SUP's and PUD's)
Please type or print legibly

Please note: The following information is provided by the applicant for information purposes only. The applicant is not bound to the details contained in the development statement, nor is the City responsible for requiring the applicant to abide by the statement. The Planning and Zoning Commission or City Council may condition approval of the proposal at a public hearing where the public will be provided an opportunity to comment.

Applicant Information

Name of Applicant: BINNS II LTD CO 12-29-03

Contact Person: EDDIE BINNS

Contact Phone Number: 575-522-2211

Contact e-mail Address: _____

Web site address (if applicable): _____

Proposal Information

Location of Subject Property NORTH OF US HWY 70, EAST OF ROADRUNNER PARKWAY

(In addition to description, attach map. Map must be at least 8 ½" x 11" in size and clearly show the relation of the subject property to the surrounding area)

Current Zoning of Property: *VARIOUS TRACTS*; SEE ZONING MAP

Proposed Zoning: *VARIOUS TRACTS*; SEE ZONING MAP

Acreage of Subject Property: *VARIOUS TRACTS*; SEE ZONING MAP

Detailed description of intended use of property. (Use separate sheet if necessary):

_____

_____

_____

_____

Proposed square footage and height of structures to be built (if applicable):

_____

Anticipated hours of operation (if proposal involves non-residential uses):

_____

ATTACHMENT #2

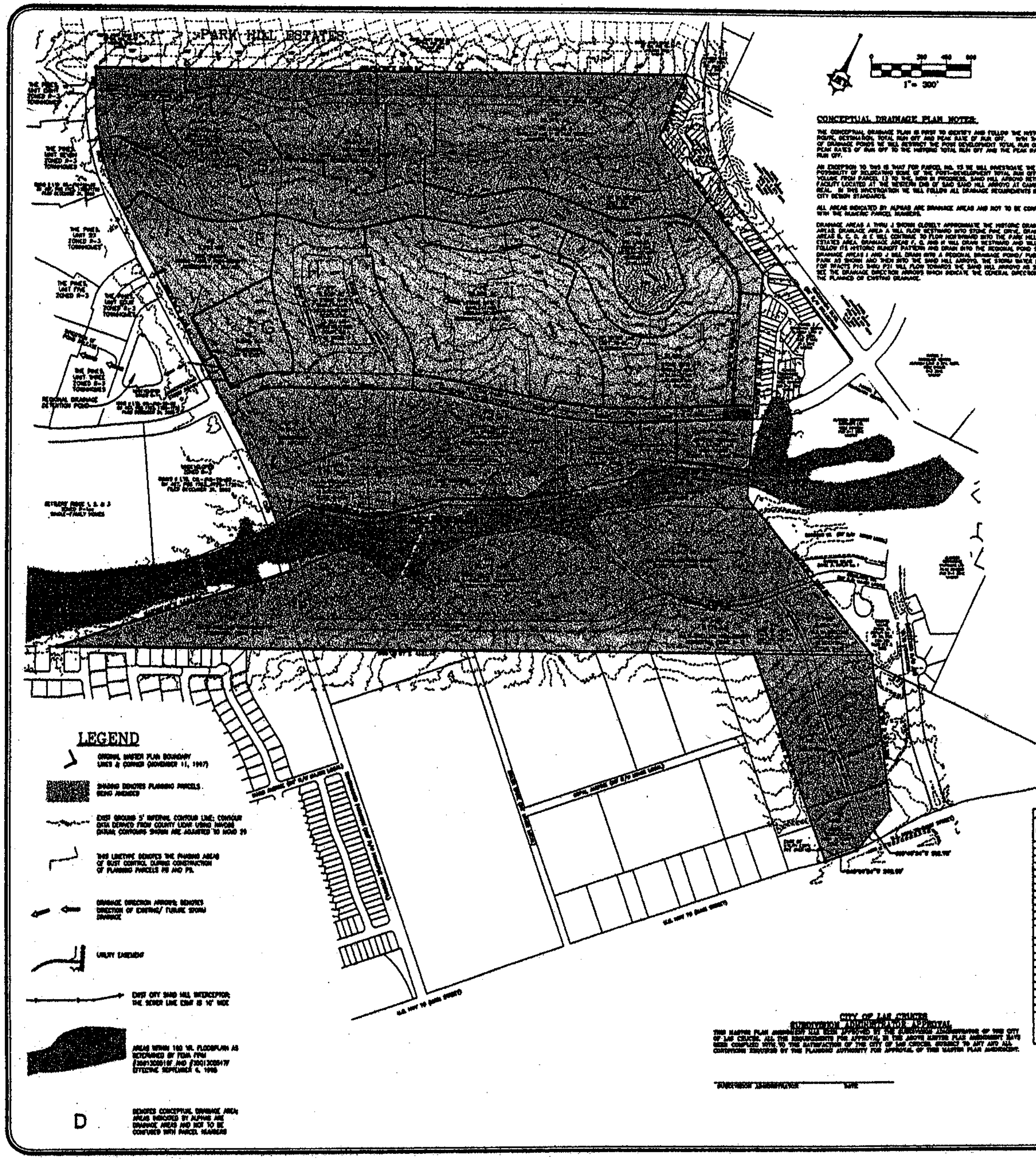
MASTER PLAN, AMENDMENT 2

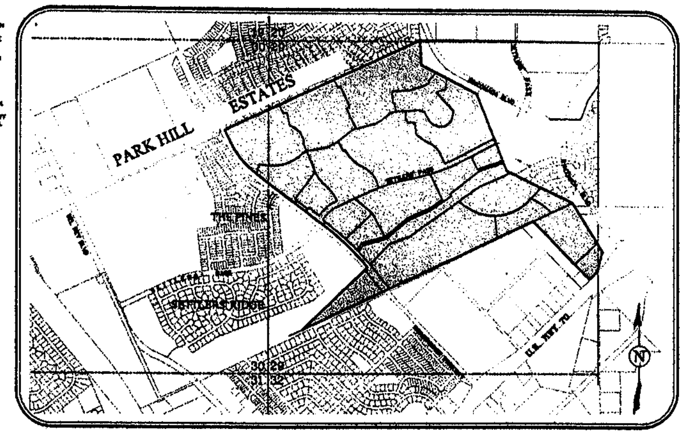
RANCHO DEL REY

(EAST OF ROADRUNNER PARKWAY)

A 279.438± ACRE MULTI-USE DEVELOPMENT LOCATED IN SECTIONS 29 & 30, T22S, R2E WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO

SCALE: 1"=300' JULY 13, 2011





VICINITY MAP

N.T.S.

MASTER PLAN AMENDMENT 2 NOTES

PURPOSE OF AMENDMENT

THE PURPOSE OF THIS AMENDMENT IS TO ADJUST THE PARCEL BOUNDARIES, ROADRUNNER PARKWAY, AND SETTLERS' PASS TO AGREE WITH A ROAD AND LOT LAYOUT STUDY WHICH FITS THE EXISTING TOPOGRAPHY.

OWNER:
BINNS II LTD. CO.–#12-29-03
1501 S. DON ROSER DRIVE
LAS CRUCES, NM 88011
BK 487, PGS 1723, 1725–1732
FILED DECEMBER 31, 2003

LAND USE TABLE

CITY OF LAS CRUCES
SUBDIVISION ADMINISTRATIVE APPROVAL

SUBDIVISION ADMINISTRATOR DATE

UNDERWOOD ENGINEERING
1430 W. AMADOR AVE.
LAS CRUCES, NM 88005
PH: 575-647-4329
PROJECT: 0632

SHEET 1 OF 1

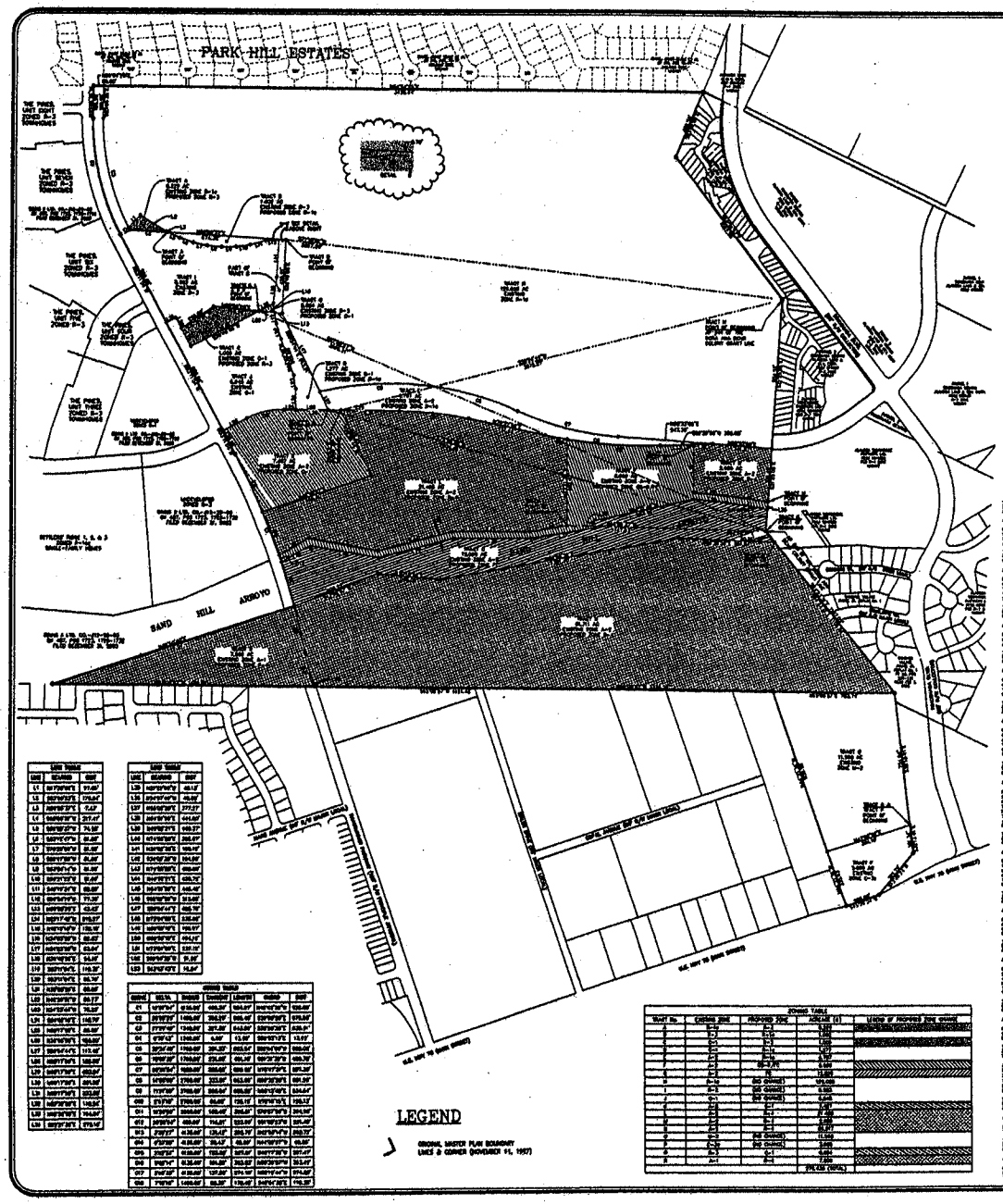
ATTACHMENT #3

ZONE MAP

RANCHO DEL REY

(EAST OF ROADRUNNER PARKWAY)

A 279.436± ACRE MULTI-USE DEVELOPMENT LOCATED IN SECTIONS 29 & 30, T22S, R2E
WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO
SCALE: 1"=300' JUNE 29, 2011



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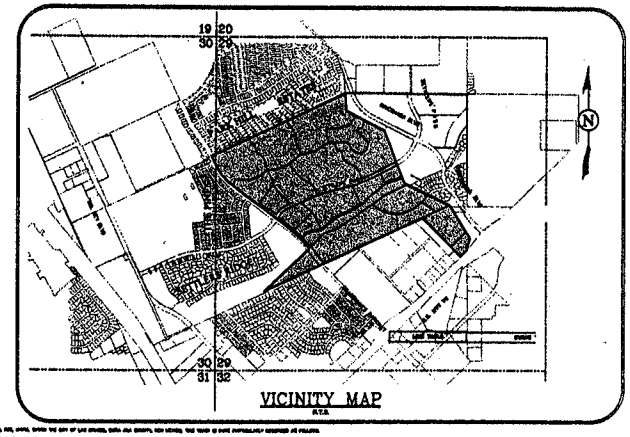

VICINITY MAP
N.T.S.

267

Z2814 COMP PLAN ANALYSIS

Land Use Element (High Density Residential & Commercial Uses) Goal 1

Goal 1 of the 1985 Comprehensive Plan Land Use Element directs the City to "...develop the physical structure of the City in a manner which provides a sense of community and reflects a logical, efficient, aesthetic and environmentally sound overall urban form". This goal suggests that land use and zoning policy must work together in a systematic manner in order to produce the overall "picture" suggested by the goal statement.

In assembling land use and zoning policies into a connective and supportive system, this "synergetic" approach necessitates that all land uses, and conditions under which land uses interact, be defined by policy in the Land Use Element. Land Use Element policy must then be supported through implementation in the City Zoning Code.

Goal: Create an interconnected and supportive system of land use policy for the City

Objective 3:
Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

Policy 1.3.4 High density uses shall be encouraged to concentrate in and around transportation and communication corridors, thereby supporting a mixed distribution of uses. Lower and rural density residential uses shall be located away from such corridors.

Policy 1.3.5 All residential development shall address the following urban design criteria: compatibility to the adjacent neighborhood in terms of architectural design, height/density, and the provision of landscaping. Architectural and landscaping design standards for residential uses shall be established in the Comprehensive Plan Urban Design Element.

Policy 1.3.6 Residential neighborhoods shall not be divided and/or redeveloped for non-residential uses unless it can be shown that demand for housing in a neighborhood is diminishing or that a need for a more compatible land use relationship can be demonstrated.

Objective 5:
Establish land use policy, for the purposes of the Land Use Element, to serve commercial demand on a low intensity, medium intensity, high intensity, and regional commercial basis.

Policy 1.5.1 Low intensity commercial uses shall be defined as those commercial uses which generate small-scale retail and service activities as a convenience to adjacent neighborhoods which also include home occupations (home businesses). Low intensity commercial uses shall be established according to the following criteria.

b. Low intensity commercial uses
   i. A maximum of 1,500 gross square feet shall be permitted for low intensity commercial uses. Special uses are required for any business which is greater than 1,500 square feet, but may not exceed 2,000 square feet. Special uses to allow additional square footage are permitted for single uses only.
   iii. The location of low intensity commercial uses shall be considered on a case-by-case basis: criteria shall include location on a street of local capacity and above, accessibility, and consideration of the level of traffic and environmental impacts.
   iv. Low intensity commercial development areas shall generally not locate within one-quarter (¼) mile of other commercial development areas.
   v. The City shall pursue multi-modal access standards (auto, bicycle, and pedestrian transit) for low intensity commercial uses.
   vi. Low intensity commercial development shall address the following urban design criteria: compatibility to adjacent development in terms of architectural design, height/density, and the provision of landscaping for site screening, parking and loading areas. Architectural and landscaping standards for low intensity commercial uses shall be established in the Comprehensive Plan Urban Design Element.
   vii. Adequate space for functional circulation shall be provided for parking and loading areas.

Growth Management Element Goal 2

This growth management section has many objectives; most importantly, that it is used as a decision-making tool when evaluating new development and redevelopment through initial zoning, zone changes, special use permits, site plans, Master Plans and Planned Unit Developments. City policy on land development shall be founded on a ratio-based, mixed-use development concept. Ratios may be further defined for sectors created through third level comprehensive planning efforts (see Figure 1). These ratios are intended to be flexible in nature and serve as a gauge in the establishment of the mixed-use concept.

The purpose of the mixed-use development concept is to establish and integrate a mix and/or variety of land uses within the City, thus avoiding a suburban character. Because of such policy, uses which are not traditionally considered compatible may be located next to one another depending upon design features and compatibility with the adjacent area. Those uses with lower intensities must be protected from adjacent uses with higher intensities in order to protect a desirable quality of life within the City. Therefore, the integration of uses shall occur with careful thought into the role and potential impact each use may create. Issues such as architectural scale, density, and other development-related issues shall be considered in order to ensure the land use mix cumulatively supports and enhances the overall character of the City.

Goal: Growth management policy shall be designed to coordinate with all policy contained in the Land Use Element.

Objective 1: Establish an integrated and coordinated approach to meet all established and proposed development-related policy.

Policy 2.1.10 Criteria such as existing land use distribution and their integration within adjacent areas shall be considered when determining a proposal's significance in providing a mixed use, sustainable and reasonable distribution of land uses. In general, a minimum ratio of 40% single family residential, 10% multi-family, 20% non-residential (office, commercial, and industrial), and 30% miscellaneous (residential, non-residential, public and quasi-public) within the "study area" should be achieved. The "study area" shall include all parcels within a one (1) mile radius of the proposed limits of the site plan proposal. When a "study area" reflects a deficiency with the established land use ratio, the proposal's location with regards to its overall compatibility to the surrounding area shall be taken into consideration to see if application of the land use ratio is feasible.

Land Use Element (Arroyo Protection) Goal 1

Objective 3:
Establish land use policy, for the purposes of the Land Use Element, for urban and rural residential uses which supports the unique lifestyles of these areas.

Policy 1.3.15 The City shall encourage urban residential cluster development along major arroyos where such development lends to the preservation of arroyos in their natural state.

Objective 11:
Establish urban and rural open space networks in the area.

Policy 1.11.9 Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Urban Design Goal 2

Preserve and enhance Las Cruces' natural, visual, and historical/cultural resources while reinforcing an overall urban form and character that communicates sensitivity to its physical setting.

Objective 5
Protect those natural resources and features unique to our region.

Policy 2.5.3 Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

Land Use Element (Open Space) Goal 1

The City of Las Cruces is located within a unique and scenic environment. Our City is surrounded by picturesque desert mesas, a green Rio Grande valley, fields of chile, cotton, and pecan groves, all blended into dramatic backdrop views to the Organ, Dona Ana, and Robledo mountains.

There are two crucial relationships which must be maintained and enhanced in a healthy urban fabric: the relationship of the fabric to its people, and to its natural surroundings. Open space, whether in the urban or rural environment, is the binding element to these relationships.

In the urban landscape, providing open space must be anticipated and planned in coordination with the development of the urban physical structure. The need for urban open space must be examined on a City-wide basis, establishing open space systems with arroyos, irrigation channels, parks and recreation facilities, schools, as well as with private development. Land use policies, and the zoning districts which implement them, should be responsive to efforts to establish an urban open space network: performance standards to insure public and private contributions to such a network should be established on a Planning Area basis.

Open space should be organized in a systematic network manner in rural and natural environments as well. Networks consisting of arroyos, irrigation channels, environmentally sensitive areas, mountain ranges, river valley, and agricultural areas should be organized to the extent possible to establish and preserve scenic views to our unique environment.

Objective 11:
Establish urban and rural open space networks in the area.

Policy 1.1.1 The City shall encourage the preservation and provide a system of open space on the mesas and in the valley in order to provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 1.1.2 The City shall work with the Bureau of Land Management and the State of New Mexico to preserve arroyos on the east and west mesas as open space.

Policy 1.1.5 The City shall encourage the dedication of undeveloped open space. Undeveloped open space shall include all types of sensitive areas, such as arroyos.

Policy 1.1.8 The City may consider offering density bonuses, or waivers to park fees, for development in exchange for dedications of land for open space where such dedications lend to open space networks.

Policy 1.1.9 Arroyos in urban and rural areas shall be protected from development where such arroyos lend positively to an open space network. Preservation of arroyos shall be consistent with the Storm Water Management Policy Plan.

Urban Design Element Goal 2
Preserve and enhance Las Cruces' natural, visual, and historical/cultural resources while reinforcing an overall urban form and character that communicates sensitivity to its physical setting.

Objective 5
Protect those natural resources and features unique to our region.

Policy 2.5.1 Advocate an appropriate balance between physical development and open space that will provide a desirable environment and quality of life in the urban area as well as perpetuating the unique natural and rural environments of the region.

Policy 2.5.2 Encourage new development to provide networks of open space. Open space should be linked with parks and recreational trails so that any open space areas may be considered "usable" space. Development waivers, such as density bonuses, shall be used as incentives to developers to create and/or maintain open space.

Policy 2.5.3 Encourage the protection of arroyos and other sensitive lands from development so that they remain in their natural state especially where such areas lend to an open space network.

Urban Design Element Goal 3
Maintain sensitivity to the City's image through the careful application of aesthetic and environmental guidelines of its neighborhoods and districts.

Objective 9
Enhance our community's natural environment, physical environment, and character through quality design.

Policy 3.9.4 Encourage creative site planning for all new development and redevelopment.
a. The topography and slope of a site should be maintained in its natural state.
b. Encourage a balance between open space and development.

DEVELOPMENT REVIEW COMMITTEE

Following are the verbatim minutes of the City of Las Cruces Development Review Committee meeting held on Wednesday, May 25, 2011 at 9:00 a.m. at City Hall, 700 North Main Street, Room 2150, Las Cruces, New Mexico.

DRC PRESENT: Cheryl Rodriguez, Community Development
Tom Murphy, MPO
Meei Montoya, Utilities
Mark Johnston, Facilities
Mark Dubbin for the Fire Marshal
Loretta Reyes, Public Works

STAFF PRESENT: Helen Revels, Community Development
Catherine Duarte, Land Management
William Chaires, Fire Department
Lorenzo Vigil, Community Development
Lora Dunlap, Recording Secretary

OTHERS PRESENT: Eddie Binns, Property Owner
Larry Underwood, Underwood Engineering

I. CALL TO ORDER (9:05am)

Rodriguez: We'll go ahead and call this meeting to order for Wednesday, May 25th; it's approximately 9:05 in the morning.

II. APPROVAL OF MINUTES - February 16, 2011

Rodriguez: The first item on the agenda is the approval of minutes but I don't believe that the minutes were sent out in the email so what I'm gonna do since nobody's had the opportunity to review them, we won't take action on the minutes and the next time we have a DRC we'll just hit the February minutes and then these minutes as well.

III. OLD BUSINESS - None

IV. NEW BUSINESS

1. Rancho Del Rey Master Plan Amendment No. 2

- A request for approval of a master plan amendment to adjust the planning parcel boundaries to the alignment of Roadrunner Parkway and Settlers Pass and the existing topography
- 279.438 ± acres
- 23 planning parcels with a range of 1,756 to 3,214 dwelling units

- Proposed Use: residential, commercial and industrial
- Located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey master planned area.; Parcel ID# 02-38952 and 02-07938

Rodriguez: It's been a while since we've had DRC so we have one item on the agenda today which is the Rancho Del Rey Master Plan Amendment and what I'd like is for Helen to present the case and let us know what exactly this master plan amendment entails and the applicant, Mr. Binns or Mr. Underwood, if you could add anything that you'd like to add to that. And just when you speak into the mic, just put your name down for the record, so the recording secretary knows who is speaking. With that, Helen if you can present the case please?

Revels: Helen Revels for the record. This is the Rancho Del Rey Master Plan Amendment Number Two. This is a request for a master plan amendment to adjust the planning parcel boundaries to the alignment of Roadrunner Parkway and Settlers Pass and the existing topography. The master plan encompasses 279 +/- acres; there are 23 planning parcels with dwelling unit ranges from 1756 to 3214. Proposed use is residential, commercial and industrial.

Planning parcel number one is called out for single family, medium density residential and it's proposing four dwelling units per acre. Parcel two is also called out for single family, medium density residential and also calls for four dwelling units per acre. Parcel three is the same; single family, medium density residential and it's four dwelling units per acre.

Rodriguez: Helen, these planning parcels that you are calling out, can you orient us on a map where they're at and what planning parcels are being affected by the alignment of Roadrunner Parkway and Settlers Pass and when you say existing topography, I'm assuming you mean the Sandhill Arroyo?

Revels: Uh hum.

Rodriguez: Okay.

Revels: Okay, planning parcel number one is here; it's called out as The Eagles. We have planning parcel number two; is phase two of The Eagles and planning parcel number three is also The Eagles phase three. Planning parcels that are being affected by the changes would be the ones directly off of Roadrunner Parkway and the ones directly off of Settlers Pass. We have planning parcel number five which is Pine Summit and we have planning parcel number six which a commercial, low intensity lot. Pine Summit is a single family, high

density residential with seven dwelling units per acre and then as we head...

Rodriguez: So, on those planning parcels that are directly adjacent to Roadrunner, what's happening that's triggering a master plan amendment?

Revels: The alignment of Roadrunner Parkway and the alignment of Settlers Pass.

Rodriguez: It's just aligning the boundary line?

Revels: Uh hum; just the boundary lines changed a little bit. It's like when he came in I think Pine Summit came in and I believe Stonegate number two came in and then the boundaries have shifted as far as where like the zoning kind of overlaps and stuff so that called for the master plan amendment.

Rodriguez: Okay.

Revels: And so as we head east, we have Stonegate number one which already exists and then we have Stonegate number two which is also high density, I mean medium density, is it three units?

Rodriguez: Single family?

Revels: Uh hum but usually it's four. Yeah, it's three dwelling units per acre and then let's see we have planning parcel number nine which is proposed to be Stonegate number three and this one's calling out for medium density residential with six dwelling units per acre and directly north of that would be Eagles Phase Four which is planning parcel number four which is calling out four dwelling units per acre and previously on the previous master plan, the portion of Rancho Del Rey that was master plan north of Settlers Pass was already planned out and the portion south of Settlers Pass was still put like it has A2 zoning; it was never rezoned so now we're coming in and we're rezoning the portion south of Settlers Pass. Okay and this encompasses, we have planning parcel number 10 which is called out for commercial. We have planning parcel 11 which is called out for multi-dwelling high density. We have planning parcel number 17 which is called out for also multi-dwelling high density. We have planning parcel number 12 which is called out for multi-family high density and we have planning parcel number 13 which is called out for a park and regional detention drainage pond. We have planning parcel number 14 which is called out for multi-family dwelling. We have planning parcel 15 which is the Sandhill Arroyo. We have

planning parcel 18 which is also multi-family dwelling and we have planning parcel 17 which is called out for multi-dwellings high-density residential. We have planning parcel number 19 which is also calling out for multi-family high density residential. We have planning parcel number 20 which is also called out for multi-dwelling, high density residential. We have planning parcel number 21 which is called out for industrial and planning parcel 22 which is called out for office and commercial, high intensity zoning.

Rodriguez: Those two planning parcels are near the Bataan Memorial?

Revels: Yes, these two.

Rodriguez: So on the original master plan, this area, the area south of Settlers Pass had been originally master planned; the master plan and the zoning did not correspond?

Revels: Correct.

Rodriguez: So pursuant to this master plan amendment you're aligning planning parcel boundaries and then there is a zone change that is going to accompany the land south of Settlers Pass; it's going to align the zoning with the established master plan.

Revels: That's correct and then there's a slight shift on the north side to fix the boundaries.

Rodriguez: And then a significant change is also the establishment of the park?

Revels: Correct.

Rodriguez: Okay. Mr. Binns, do you have anything to add to this?

Binns: Yes, a couple of comments. Number one; I may have misunderstood but I think you identified that Settlers... I mean Stonegate number two was three per acre and that should be six which matches and corresponds with the other one.

Revels: That's what's on the master plan.

Binns: Yeah, that's a typo and that needs to be cleaned up. General statements; number one, the roads were identified a long time ago and there has been no change in the alignment to the roads so the roads did not induce this review because the roads haven't changed. What is changed is maybe some overlapping of parcels between one and another parcel by a few feet as lot sizes, roads alignments within

the parcels takes place so Helen felt that it was more... It's important that we try to identify the boundaries of the various parks. To me that is a moot issue if the boundary overlaps by 10 feet or the other to align up roads, so be it; in 200-some-odd acres, that 10 feet doesn't bother me but it does have some effects in the precision that's going on.

Another comment; what is taking place here is exactly the same comprehensive plan that was generated by me in 1975 for the land use that has been projected on this parcel of land. Ironically 30-some-odd years ago to second guess what I wanted to do with it has been pretty close and we are not deviating from the original comprehensive plan that was designed back at that point. As far as land use is concerned and as far as roads, it was at that point when that conception took place a lot of the design was based on the topography which tells you where you need to put roads, where water is going to drain and such as that so that that plan is being followed from there. As the regulations and the interpretations and the growth of the city takes place there are obviously new regulations that are evolved which requires to come in with a formal master plan as we're seeing here rather than the comprehensive plan that was generated and used in 1975 on projections. At this time these parcels will probably be reduced smaller in size because in the intelligent development in the future it becomes obvious that we recognize (*inaudible*) controlled issues and I'll use an example; Stonegate number two will probably be broken up into three or four steps rather than having 20 or 30 acres laying bare. We will probably be breaking it up into individual streets as much as possible to mitigate the dust issues which we're facing at this time and of course the absorption rate of vacant lots within the town of Las Cruces or City of Las Cruces is a big factor that influences the rate of growth. If the town is absorbing lots and lots, it's going to go faster. If the absorption rate's anywhere like today, it may be 10 years so it's something that is market driven, market dependent.

One of the major things that induced this also was in the process of developing Stonegate number two we needed to take care of water for detention, retention and also need to recognize the park issue. When this project was conceived in 1975, way back then the concept of the city was that we had lots of land available from BLM for parks and no parks were recommended in the region. The city at the point in time was more interested in deriving fees for the construction of parks. Since then that attitude has changed; it's been influenced by the population that wants parks closer to them and thus trying to use a piece of land for multiple use of drainage plus park is much more palatable to the neighbors and the neighborhood so that there are some park activities close by. So that is one of the factors that's involved in here since the park drainage area is south of

Settlers Pass and had not been recognized in the master plan, that would be a major change to the master plan with the introduction of the park. What are we at that park now, about seven acres accumulated, Larry, if I remember correctly?

Revels: 7.9.

Underwood: 6.9.

Binns: That's seven acres in my language.

Underwood: Say again?

Revels: 7.9.

Underwood: That could be; 7.9.

Binns: Seven-point-nine; okay. Anyway there's a fairly reasonable size of real estate there for a park which is going to open the doors for not only use of this neighborhood but some of the neighborhood down below that has continually requested some form of park for various activities. The layout of the drainage in the park facility has basically taken place but at this time we have not got into specific details of the development of the park and my intention would be to try to move forward with the development of the park and working with that department and building the park out as an early a date that is feasible rather than a late date after development because the park can be a good marketing tool as far as a development is concerned. Basically that covers my thinking on there and if anyone has any questions, I'd be glad to try to dream up an answer.

Rodriguez: We'll go ahead and go around the table; MPO?

Murphy: Tom Murphy, MPO; the right-of-ways associated with each Arterial and Collector seem adequate. We have no issues.

Rodriguez: Okay, Land Management any comments?

Duarte: No comments.

Rodriguez: Public Works?

Reyes: Loretta Reyes, Public Works. Public Works approved the master plan amendment with conditions on 5-4-11 and we would like to have the four comments that were made as conditions addressed before this goes to the June P&Z. We'd just like to know that they've been

addressed and I don't know how that would be handled; they would be made conditions of the motion once you've heard all of the comments and things have been resolved at this table. And then I just have a question; this may be too early but as far as that park, it's a dual-use facility. It's referred to as a dual-use facility; detention, retention. I guess when that's developed because it's a dual use, if you're gonna put water in that park I think Mark, you're gonna have issues with grass living and dying and that kind of stuff so I don't know if you may want to have some discussions on how that's gonna work but being that this is probably too early but I just wanted to make that comment; thank you.

Rodriguez: Loretta, what are your... the four comments so we can make part of the record so that they can be addressed prior to the Planning and Zoning Commission.

Reyes: Do you want me just to read them?

Rodriguez: Could you please?

Reyes: Okay, the first one is; throughout this master plan amendment two, the use of retention, detention parks/drainage facility, etc. are all used interchangeably. If the intent is to utilize a park/dual-use facility, please indicate this clearly especially if the intent is to dedicate this area to the city and in parentheses it says note nine and the conceptual drainage plan note. The second one is; there is conflicting language regarding the type of storm water facility for this master planned area. Per City of Las Cruces design standards, the increased post-development volume must be retained and the post-development flow must not exceed historic flow. Clarify this in the drainage concept it applies... increased runoff will only be detained. The third one is just further clarification of note nine; add hydrology to the last paragraph of note nine as both hydraulics and hydrology analysis are required for FEMA studies and that is correct. Number four is; it is understood that there is an existing sewer line in proposed parcel 13. The location of the park/dual-use facility must not negatively affect the sewer line or vice-versa. Be advised that this is only a conceptual plan, it must be demonstrated that the location of the park/dual-use facility and the sewer line is feasible.

Rodriguez: Okay, thank you.

Reyes: You're welcome.

Rodriguez: Fire?

Binns: Excuse me.

Rodriguez: Yes?

Binns: Could we address a couple of those issues at this time while they are fresh rather than wait and let me forget them? The concern about the park and the killing of the grass; the pond is designed with an outfall pipe so that it does drain itself within a 48-72 hour time frame, if I remember correctly. Therefore, there's going to be very limited water to kill grass and that's why we call it a holding pond so that it drains the water out at a slower rate rather than a large flow that's impact and I believe that's the design of that so that it does drain it. I don't want a pond of water sitting there growing mosquitoes for a month and neither does the neighborhood and that's why we wanted a pond that would drain itself within a reasonable time so that it did not damage any plant life that's in there because that pond is a natural for soccer fields and other activities and I want to encourage it and build it in a manner so that that can proceed.

Reyes: And this will drain Mr. Binns... Loretta Reyes, Public Works; this will drain to the arroyo, the historic flow? It will not exceed the historic flow?

Underwood: We did a model of the queue as you have in your flow of channel number on, I believe. We did a model before we put our queue in and then we did a model after our queue and I think the vertical rise was less than an inch.

Reyes: As long as it meets the design standards; if that's what you've done, I mean that's what we're looking for and we're looking not to increase the, you know, historic flows that are currently in the Sandhill Arroyo or affecting anyone downstream as a result of adding additional water to the Sandhill Arroyo.

Binns: There will be a longer duration of flow but not an impact flow and that's...

Reyes: But it's got... but still you'll have to show in your analysis when we get to (*inaudible-multiple people speaking*).

Binns: It's my understanding that has shown in there, is what I have read.

Underwood: Yeah, I believe it is.

Binns: So that's why I'm curious about this issue coming up because I've read the report and that's what I'm reading is what you're asking for

and I think it is there.

Reyes: Okay.

Underwood: Yeah, I thought Claudia and I were altogether that we had no more issues but I'll address your questions Loretta.

Reyes: Okay.

Binns: In your four items, obviously the first item was the item that we were talking about, the pond, so we've talked about it. The second item that you were concerned with was... refresh my memory.

Reyes: Madam Chair, are we going to be addressing these issues here?

Rodriguez: I don't want to do a review...

Binns: I'm trying to understand.

Rodriguez: ...and from what I'm hearing from Mr. Underwood is that he and Claudia apparently had numerous discussions prior to Claudia departing the city so I just recommend that Mr. Underwood and Mr. Binns, if you could just meet with Loretta after this meeting because from... those review comments I don't it... I think they can be easily addressed prior in the next few weeks.

Reyes: Madam Chair, I would prefer that... I don't know... get together with Natashia and talk about these issues. I think it's just a matter of clarification because there's just some you know, we talk about it being a retention pond and then a detention pond, then a dual-use facility, so you know, a detention pond is not the same as a retention pond and so we just need to do some clarification on some of these and I don't think they're really that difficult to address.

Rodriguez: Yeah, I would agree that there are comments that could be addressed outside of this meeting and not impact this from going forward to a public hearing.

Reyes: No, we won't impact it from...

Rodriguez: Fire?

Dubbin: Mark Dubbin, Las Cruces Fire Department. I was a little confused about note eight; I wasn't involved in the original review of this; regarding the road construction of Settlers Pass from Roadrunner to Riconada, is that right?

Underwood: Yes.

Binns: From Roadrunner, from the end of Stonegate Number One to the end of my property, that road is proposed to be built at the time we do Stonegate Number Two; I believe that's the way it's wrote up.

Dubbin: I'll have to look at it a little closer but my only concern is if we have more than 30 un-sprinkled residences, we'll have to have a second access.

Binns: There is one that exists at this time; it's a paved access. Haven't you been up there?

Dubbin: It's been a little while.

Binns: There is a paved access that goes all the way through there; it was installed back when they did the filming.

Dubbin: Is that the movie road?

Binns: That is the movie road.

Dubbin: Yeah, we'll have to look at that; the second access, it just has to meet the... It might require some upgrades I guess is what I'm saying; not a full road section but the fire code requires a 20-foot paved access.

Binns: It is your second access road right now to Las Paloma.

Dubbin: Okay, I'll...

Binns: That is the existing second access to that entire neighborhood otherwise Riconada is the only access and this is your backup which I assisted in putting into place by granting easements and permitted it to be generated for the convenience of the community.

Dubbin: Well, I'll get out there again and have a look at it before...

Binns: Please, it is used daily, hourly by security and police patrols and such as that.

Dubbin: Alright, thank you.

Rodriguez: Utilities?

Montoya: Meei Montoya from the Utility Department. I just have one approval condition for this master plan which is that the Utility Department approve this master plan based on the notion that the developer and the City of Las Cruces utility department will work together to facilitate the need of parallel in sewer intercepting the Sandhill Arroyo and I believe we can work the issues out before that the next phase of the housing development gets approved for construction and just to let audience know that the developer has been working with us for the past two to three years for this parallel sewer line that is going to be installed in the Sandhill Arroyo so I think that we are coming into the end of that effort and I believe we can work things out. That's it from the Utility Department.

Rodriguez: Facilities?

Johnston: Mark Johnston, Facilities; just a few comments. One is the overall dwelling units, if we are in the 3400-range, then the park requirements will be in the 12-acre range. If we're on the lower edge of the spectrum; the 1700, then we're getting close with the dual-use pond. I will reiterate that a dual-use pond is okay as long as it is a park that gets some water rather than a pond that gets a lot of water that becomes a park. I'd like to see the levels of flow in, how deep it gets and the reason behind that is a landscaped area that gets flooded, gets destroyed. Play equipment can't be submerged, picnic area cannot be submerged, walking paths cannot be submerged. I do know that there are designs that can work together in dual purposes however park credit will not be given for drainage pond retention areas that truly is drainage retention areas. With that in mind, we might look at other opportunities for some more park space and then I've got a couple of notes from Brian here that park impact fees will be collected for the entire site and then if the developer builds the park, we will reimburse as we have in a couple of other locations. He is also... would like to see some sort of a trigger when the park would be in place at 50% of development and I did know... hey you said before I agree with you, parks are great marketing tools; the quicker you can get them into a development, the better off you are. So, that's something we'll have to take a look at. I think conceptually for now we can support this given those couple of contingencies and then I would like to identify especially up in this denser area up in here some more park land opportunity based on the overall population. If in fact our population numbers are down in that 1700 range, then we're in that seven to eight acre range. I like to project at the high end just because once you start going down the road, you can't go backwards so we'd be in that 12-acre range, but I can support this conceptually at this time.

Rodriguez: Okay; Mr. Binns do you have any comments to that?

Binns: Yes; in recognizing your thoughts and your needs, first of all recognize that this density is based on the entire planning parcel the... a lot of the density that may develop is in the area south of Settlers Pass. There is a triangular tract, a piece of land up there which I had offered and had visited with some city administrators early on as a potential additional park and doing some property exchanges and such and partially to satisfy some of the needs of the area west of Roadrunner; that tract up there. It has potential for expanded parks if the density moves up in that area so that we do recognize it, we have thought about it and as the development evolves and market needs are matched, we have that capability.

I think we need to get a copy of the drainage report so that you can see what the projections of water-in, water-out are. They're all identified on that report; the depth of the water and the timeframe for it to drain are all identified there so that's a document I'm disappointed hasn't been put in your hands but it is generated and it does exist.

Johnston: Excellent.

Binns: While I'm speaking, in response to Meei's comments, I've advised her that yes, that we will continue to work with the city in taking care of their easements but I also want to put in the record that I am requesting of the City Utility Department, the same things that are requested of me with the development and it gets expensive and it eats up a lot of Meei's money to do some of the things that I'm asking for, that you guys are looking for me to do from a standpoint of our receding access roads covering and those types of thing but it's something that I think we can work out and resolve and we're moving in that direction. Thank you.

Rodriguez: Any additional commentary from any reviewing department? On that note between Public Works and Utilities and Facilities; with their respective comments I'd like to entertain a motion to approve with conditions and that Public Works' comments be addressed prior to the Planning and Zoning Commission. Those comments will be entered into the record for the staff report as well. The Utilities Department, do you have specific conditional language that you want to enter into the record regarding the sewer?

Montoya: I believe I already sent that to Helen in an email so that can be used.

Rodriguez: Okay, so the electronic message that you sent regarding your conditional approval language will be entered into the record for this

to go forward to the Planning and Zoning Commission; yes, Mr. Underwood?

Underwood: What date was that, Meei?

Montoya: The email I believe was... and I just wanted to say the language that we're sending to the Community Development was the same as I just read, now.

Underwood: Okay, so recent then.

Rodriguez: Can you reread that comment into the record for me, Meei?

Montoya: Okay; here is what I said. The Rancho Del Rey Master Plan amendment approval is based on the understanding that the City of Las Cruces utility department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors. There will be no further approval in the Rancho Del Rey Master Plan area from the Utility Department until the master plan conditional approval is achieved.

Rodriguez: And then from Facilities Department from Mr. Denmark; the conditional language is that park impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces. Final design of the park must be submitted and approved by the Facilities Director and/or official designee prior to any development plans being submitted for planning parcels nine through twenty-two, excluding existing approved development as of November of 2010 and/or any development beyond Stonegate Two and the park needs to be completed within 50% to 75% completion of overall development. Is that it?

Johnston: Yeah, then the... I just want it said in the record that based on the overall dwelling units; the requirements for the acreage could change substantially from the seven acres all the way up to twelve or thirteen. I think Mr. Binns has a backup scenario plan that could work nicely and as along as the developer is willing to work with us on that, I think we can achieve it because we have at least identified a parcel that will work.

Rodriguez: Okay, so on that note do I have a motion to approve with conditions as entered into the record by respective departments?

Johnston: Mark Johnston; so moved.

Dubbin: Second; Mark Dubbin.

Rodriguez: All those in favor, say aye.

Members: Aye.

Rodriguez: Those opposed; seeing none. This has been conditionally approved to go forward to the June 28th, I believe it's June 28th, the fourth Tuesday of June, the Planning and Zoning Commission meeting.

V. ADJOURNMENT (9:35 am)

Rodriguez: And on that note, do I have a motion to adjourn?

Dubbin: So moved; Mark Dubbin.

Murphy: Second; Tom Murphy.

Rodriguez: We are adjourned.

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Chairperson

TRACT DESCRIPTION
FOR A ZONE CHANGE REQUEST
IN THE RANCHO DEL REY MASTER PLANNED AREA
JUNE 29, 2011

TRACT A
EXISTING ZONE R-1a
PROPOSED ZONE R-3

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTIONS 29 AND 30, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S71°18'01"W A DISTANCE OF 2867.29 FEET; THENCE S68°00'37"W A DISTANCE OF 674.32 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE S68°00'37"W A DISTANCE OF 217.41 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF ROADRUNNER PARKWAY FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1340.00 FEET, A CURVE LENGTH OF 13.92 FEET, A DELTA OF 00°35'43", AND WHOSE LONG CHORD BEARS N52°53'13"W A DISTANCE OF 13.92 FEET TO A CORNER OF THIS TRACT; THENCE, ALONG A LINE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED EAGLES SUBDIVISION, THE FOLLOWING THREE COURSES: THENCE N17°38'08"E A DISTANCE OF 97.06 FEET TO A CORNER OF THIS TRACT; THENCE S83°40'23"E A DISTANCE OF 176.94 FEET TO A CORNER OF THIS TRACT; THENCE N89°55'37"E A DISTANCE OF 7.43 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 0.229 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT B
EXISTING ZONE R-3
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S71°18'01"W A DISTANCE OF 2867.29 FEET TO THE POINT OF BEGINNING AND MOST NORTHERLY CORNER OF THIS TRACT; THENCE S22°49'05"E A DISTANCE OF 420.91 FEET TO A CORNER OF THIS TRACT; THENCE S69°50'25"W A DISTANCE OF 43.43 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE WEST LINE OF THE STONE GATE SUBDIVISION THE FOLLOWING THREE COURSES: THENCE N34°03'50"W A DISTANCE OF 52.83 FEET TO A CORNER OF THIS TRACT; THENCE N18°12'10"W A DISTANCE OF 152.18 FEET TO A CORNER OF THIS TRACT; THENCE N22°17'42"W A DISTANCE OF 215.27 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED EAGLES SUBDIVISION THE FOLLOWING EIGHT COURSES: THENCE S59°54'19"W A DISTANCE OF 77.38 FEET TO A CORNER OF THIS TRACT; THENCE S49°19'34"W A DISTANCE OF 89.69 FEET TO A CORNER OF THIS TRACT; THENCE S56°21'23"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S63°04'14"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S69°47'05"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S76°29'56"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S83°12'47"W A DISTANCE OF 81.98 FEET TO A CORNER OF THIS TRACT; THENCE S89°55'37"W A DISTANCE OF 74.55 FEET TO A CORNER OF THIS TRACT; THENCE N68°00'37"E A DISTANCE OF 674.32 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 1,002 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT C

EXISTING ZONE C-1
PROPOSED ZONE R-3

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S87°55'27"W A DISTANCE OF 3169.21 FEET TO THE POINT OF BEGINNING OF THIS TRACT; THENCE S36°48'56"W, ALONG A LINE COINCIDENT WITH THE SOUTH LINE OF THE PROPOSED PINES SUMMIT SUBDIVISION, A DISTANCE OF 436.81 FEET TO THE SOUTHERLY CORNER OF THIS TRACT; THENCE N53°11'04"W, COINCIDENT WITH THE EAST LINE OF ROADRUNNER PARKWAY, A DISTANCE OF 118.32 FEET TO A CORNER OF THIS TRACT; THENCE N30°50'01"E A DISTANCE OF 220.62 FEET TO A CORNER OF THIS TRACT; THENCE N69°50'25"E A DISTANCE OF 259.28 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 1.006 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT DESCRIPTION
FOR A ZONE CHANGE REQUEST
IN THE RANCHO DEL REY MASTER PLANNED AREA
JUNE 29, 2011

TRACT D
EXISTING ZONE C-1
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S79°56'28"W A DISTANCE OF 2604.45 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S65°17'50"W A DISTANCE OF 186.55 FEET TO A CORNER OF THIS TRACT; THENCE N24°42'10"W A DISTANCE OF 118.79 FEET TO A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE WEST LINE OF THE STONE GATE SUBDIVISION THE FOLLOWING FOUR COURSES: THENCE N34°23'44"W A DISTANCE OF 76.23 FEET TO A CORNER OF THIS TRACT; THENCE N44°42'10"W A DISTANCE OF 225.00 FEET TO A CORNER OF THIS TRACT; THENCE N42°29'51"W A DISTANCE OF 89.73 FEET TO A CORNER OF THIS TRACT; THENCE N34°03'50"W A DISTANCE OF 63.64 FEET TO A CORNER OF THIS TRACT; THENCE N69°50'25"E A DISTANCE OF 43.43 FEET TO A CORNER OF THIS TRACT; THENCE S50°54'44"E A DISTANCE OF 613.21 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 1.277 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT DESCRIPTION
FOR A ZONE CHANGE REQUEST
IN THE RANCHO DEL REY MASTER PLANNED AREA
JUNE 29, 2011

TRACT E

EXISTING ZONE A-2
PROPOSED ZONE R-1a

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S79°56'28"W A DISTANCE OF 2604.45 FEET TO THE POINT OF BEGINNING AND SOUTHWESTERLY CORNER OF THIS TRACT; THENCE N50°54'44"W A DISTANCE OF 117.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1760.00 FEET, A CURVE LENGTH OF 693.54 FEET, A DELTA OF 22°34'40", AND WHOSE LONG CHORD BEARS N62°44'00"E A DISTANCE OF 689.06 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1760.00 FEET, A CURVE LENGTH OF 461.10 FEET, A DELTA OF 15°00'39", AND WHOSE LONG CHORD BEARS N81°31'39"E A DISTANCE OF 459.78 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1680.00 FEET, A CURVE LENGTH OF 600.55 FEET, A DELTA OF 20°28'54", AND WHOSE LONG CHORD BEARS N78°47'31"E A DISTANCE OF 597.36 FEET; THENCE N68°33'05"E A DISTANCE OF 547.39 FEET TO A POINT ON THE CENTER LINE OF SETTLERS' PASS FOR A CORNER OF THIS TRACT; THENCE COINCIDENT WITH THE CENTER LINE OF SETTLERS' PASS THE FOLLOWING FIVE COURSES: THENCE S62°32'50"W A DISTANCE OF 305.08 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 663.66 FEET, A DELTA OF 14°05'00", AND WHOSE LONG CHORD BEARS S69°35'20"W A DISTANCE OF 661.99 FEET TO A CORNER OF THIS TRACT; THENCE S76°37'50"W A DISTANCE OF 452.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2000.00 FEET, A CURVE LENGTH OF 395.61 FEET, A DELTA OF 11°20'00", AND WHOSE LONG CHORD BEARS S70°57'50"W A DISTANCE OF 394.96 FEET TO A CORNER OF THIS TRACT; THENCE S65°17'50"W A DISTANCE OF 403.84 FEET BACK TO THE POINT OF BEGINNING; THIS TRACT CONTAINS 4.797 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT F
EXISTING ZONE A-2
PROPOSED ZONE OS-R/FC

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A FOUND BRASS CAP FOR ANGLE POINT #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE N21°29'06"W A DISTANCE OF 476.98 FEET; THENCE S68°33'05"W A DISTANCE OF 341.83 FEET; THENCE S62°32'50"W A DISTANCE OF 110.54 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THIS TRACT; THENCE S25°21'38"E A DISTANCE OF 275.10 FEET TO A CORNER OF THIS TRACT; N69°56'10"E A DISTANCE OF 198.97 FEET TO A CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 235.02 FEET TO A POINT SAID GRANT LINE FOR A CORNER OF THIS TRACT; THENCE S21°29'06"E, ALONG SAID GRANT LINE, A DISTANCE OF 40.13 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 237.12 FEET TO A CORNER OF THIS TRACT; THENCE N69°56'10"E A DISTANCE OF 194.16 FEET TO A CORNER OF THIS TRACT; THENCE S52°21'45"W A DISTANCE OF 583.59 FEET TO A CORNER OF THIS TRACT; THENCE S34°57'40"E A DISTANCE OF 40.00 FEET TO A CORNER OF THIS TRACT; THENCE S55°02'20"W A DISTANCE OF 377.27 FEET TO A CORNER OF THIS TRACT; THENCE S64°51'55"W A DISTANCE OF 444.60 FEET TO A CORNER OF THIS TRACT; THENCE S49°52'21"W A DISTANCE OF 440.37 FEET TO A CORNER OF THIS TRACT; THENCE S74°58'50"W A DISTANCE OF 396.67 FEET TO A CORNER OF THIS TRACT; THENCE S34°02'38"W A DISTANCE OF 188.12 FEET TO A POINT ON THE CENTER LINE OF ROADRUNNER PARKWAY FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 40.86 FEET, A DELTA OF 00°33'58", AND WHOSE LONG CHORD BEARS N44°09'27"W A DISTANCE OF 40.86 FEET TO A CORNER OF THIS TRACT; THENCE N34°02'38"E A DISTANCE OF 194.69 FEET TO A CORNER OF THIS TRACT; THENCE N74°58'50"E A DISTANCE OF 402.69 FEET TO A CORNER OF THIS TRACT; THENCE N49°52'21"E A DISTANCE OF 436.72 FEET TO A CORNER OF THIS TRACT; N64°51'55"E A DISTANCE OF 446.42 FEET TO A CORNER OF THIS TRACT; THENCE N55°02'20"E A DISTANCE OF 213.83 FEET TO A CORNER OF THIS TRACT; THENCE N25°21'38"W A DISTANCE OF 492.42 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 535.52 FEET, A DELTA OF 11°21'50", AND WHOSE LONG CHORD BEARS N68°13'45"E A DISTANCE OF 534.64 FEET TO A CORNER OF THIS TRACT; THENCE N62°32'50"E A DISTANCE OF 194.54 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 8.669 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT G
EXISTING ZONE A-2
PROPOSED ZONE FC

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AP #43 OF THE DOÑA ANA BEND COLONY GRANT FOR THE SOUTHEAST CORNER OF THIS TRACT; THENCE S64°23'31"E, ALONG THE DOÑA ANA BEND COLONY GRANT LINE, A DISTANCE OF 80.81 FEET TO A CORNER OF THIS TRACT; THENCE S66°36'59"W A DISTANCE OF 551.94 FEET TO A CORNER OF THIS TRACT; THENCE S54°48'36"W A DISTANCE OF 1391.40 FEET TO A CORNER OF THIS TRACT; THENCE S70°10'55"W A DISTANCE OF 358.08 FEET TO A CORNER OF THIS TRACT; THENCE S43°08'57"W A DISTANCE OF 509.22 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG THE CENTER LINE OF ROADRUNNER PARKWAY BEING A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 262.76 FEET, A DELTA OF 03°38'27", AND WHOSE LONG CHORD BEARS N42°03'14"W A DISTANCE OF 262.72 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N34°02'38"E A DISTANCE OF 188.12 FEET TO A CORNER OF THIS TRACT; THENCE N74°58'50"E A DISTANCE OF 396.67 FEET TO A CORNER OF THIS TRACT; THENCE N49°52'21"E A DISTANCE OF 440.37 FEET TO A CORNER OF THIS TRACT; THENCE N64°51'55"E A DISTANCE OF 444.60 FEET TO A CORNER OF THIS TRACT; THENCE N55°02'20"E A DISTANCE OF 377.27 FEET TO A CORNER OF THIS TRACT; THENCE N34°57'40"W A DISTANCE OF 40.00 FEET TO A CORNER OF THIS TRACT; THENCE N52°21'45"E A DISTANCE OF 583.59 FEET TO A CORNER OF THIS TRACT; THENCE N69°56'10"E A DISTANCE OF 194.16 FEET TO A CORNER OF THIS TRACT; THENCE N73°04'55"E A DISTANCE OF 237.12 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S21°29'06"E, ALONG THE DOÑA ANA BEND COLONY GRANT LINE, A DISTANCE OF 127.46 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 12.029 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT K
EXISTING ZONE A-2
PROPOSED ZONE C-1

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #44 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S50°24'49"W A DISTANCE OF 2612.27 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S50°56'44"E A DISTANCE OF 412.43 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE S46°10'57"W A DISTANCE OF 655.80 FEET TO POINT ALONG THE CENTER LINE OF ROADRUNNER PARKWAY FOR THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 363.53 FEET, A DELTA OF 5°02'14", AND WHOSE LONG CHORD BEARS N50°39'57"W A DISTANCE OF 363.42 FEET TO A CORNER OF THIS TRACT; THENCE N53°11'04"W A DISTANCE OF 150.10 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N36°48'56"E A DISTANCE OF 150.00 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET, A CURVE LENGTH OF 223.69 FEET, A DELTA OF 28°28'54", AND WHOSE LONG CHORD BEARS N51°03'23"E A DISTANCE OF 221.40 FEET TO A CORNER OF THIS TRACT; THENCE N65°17'50"E A DISTANCE OF 321.52 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 7.487 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT DESCRIPTION
FOR A ZONE CHANGE REQUEST
IN THE RANCHO DEL REY MASTER PLANNED AREA
JUNE 29, 2011

295

TRACT L
EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S66°05'37"W A DISTANCE OF 1147.63 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S55°02'20"W A DISTANCE OF 213.83 FEET TO A CORNER OF THIS TRACT; THENCE S64°51'55"W A DISTANCE OF 446.42 FEET TO A CORNER OF THIS TRACT; THENCE S49°52'21"W A DISTANCE OF 436.72 FEET TO A CORNER OF THIS TRACT; THENCE S74°58'50"W A DISTANCE OF 402.69 FEET TO A CORNER OF THIS TRACT; THENCE S34°02'38"W A DISTANCE OF 194.69 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE ALONG THE CENTER LINE OF ROADRUNNER PARKWAY BEING A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 267.51 FEET, A DELTA OF 3°42'24", AND WHOSE LONG CHORD BEARS N46°17'38"W A DISTANCE OF 267.47 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N46°10'57"E A DISTANCE OF 655.80 FEET TO A CORNER OF THIS TRACT; THENCE N50°56'44"W A DISTANCE OF 412.43 FEET TO A CORNER OF THIS TRACT; THENCE N65°17'50"E A DISTANCE OF 333.88 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET, A CURVE LENGTH OF 395.61 FEET, A DELTA OF 11°20'00", AND WHOSE LONG CHORD BEARS N70°57'50"E A DISTANCE OF 394.96 FEET TO A CORNER OF THIS TRACT; THENCE N76°37'50"E A DISTANCE OF 452.42 FEET TO A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2700.00 FEET, A CURVE LENGTH OF 128.15 FEET, A DELTA OF 02°43'10", AND WHOSE LONG CHORD BEARS N75°16'15"E A DISTANCE OF 128.13 FEET TO A CORNER OF THIS TRACT; THENCE S25°21'38"E A DISTANCE OF 492.42 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 21.488 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT M
EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE N21°29'06"W A DISTANCE OF 167.59 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S73°04'55"W A DISTANCE OF 235.02 FEET TO A CORNER OF THIS TRACT; THENCE S69°56'10"W A DISTANCE OF 198.97 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N25°21'38"W A DISTANCE OF 275.10 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N62°32'50"E A DISTANCE OF 110.54 FEET TO A CORNER OF THIS TRACT; THENCE N68°33'05"E A DISTANCE OF 341.83 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE S21°29'06"E A DISTANCE OF 309.40 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 2.980 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT N

EXISTING ZONE A-2
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE S64°23'31"E A DISTANCE OF 80.81 FEET TO THE POINT OF BEGINNING AND NORTHEAST CORNER OF THIS TRACT; THENCE S64°23'31"E, ALONG SAID GRANT LINE, A DISTANCE OF 1106.24 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE S65°08'57"W A DISTANCE OF 3336.36 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N43°43'43"W A DISTANCE OF 19.84 FEET TO A POINT OF CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1400.00 FEET, A CURVE LENGTH OF 178.48 FEET, A DELTA OF 07°18'16", AND WHOSE LONG CHORD BEARS N40°04'35"W A DISTANCE OF 178.36 FEET TO A POINT OF REVERSE CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 274.90 FEET, A DELTA OF 03°48'33, AND WHOSE LONG CHORD BEARS N38°19'44"W A DISTANCE OF 274.85 FEET TO THE NORTHWEST CORNER OF THIS TRACT; THENCE N43°08'57"E A DISTANCE OF 509.22 FEET TO A CORNER OF THIS TRACT; THENCE N70°10'55"E A DISTANCE OF 358.08 FEET TO A CORNER OF THIS TRACT; THENCE N54°48'36"E A DISTANCE OF 1391.40 FEET TO A CORNER OF THIS TRACT; THENCE N66°36'59"E A DISTANCE OF 551.94 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 51.711 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT Q
EXISTING ZONE R-3
PROPOSED ZONE C-1

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE S87°55'27"W A DISTANCE OF 3169.21 FEET TO THE POINT OF BEGINNING AND SOUTHWEST CORNER OF THIS TRACT; THENCE N36°48'56"E, FROM SAID POINT OF BEGINNING, A DISTANCE OF 94.10 FEET TO A CORNER OF THIS TRACT; THENCE S34°03'50"E A DISTANCE OF 52.83 FEET TO A CORNER OF THIS TRACT; THENCE S69°50'25"W A DISTANCE OF 91.59 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 0.054 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

TRACT R

EXISTING ZONE A-1
PROPOSED ZONE R-4

A TRACT OF LAND SITUATED WITHIN PROJECTED SECTION 29, T22S, R2E, NMPM; WITHIN THE CITY OF LAS CRUCES, DOÑA ANA COUNTY, NEW MEXICO; THIS TRACT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM AP #43 OF THE DOÑA ANA BEND COLONY GRANT LINE; THENCE ALONG SAID GRANT LINE S64°23'31"E A DISTANCE OF 1187.05 FEET; THENCE S65°08'57"W A DISTANCE OF 3336.36 FEET TO THE POINT OF BEGINNING AND SOUTHEAST CORNER OF THIS TRACT; THENCE S65°08'57"W A DISTANCE OF 1488.86 FEET TO THE SOUTHWEST CORNER OF THIS TRACT; THENCE N46°40'40"E A DISTANCE OF 1446.04 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4135.00 FEET, A CURVE LENGTH OF 274.90 FEET, A DELTA OF 03°48'33, AND WHOSE LONG CHORD BEARS S38°19'44"E A DISTANCE OF 274.85 FEET TO A POINT OF REVERSE CURVATURE FOR A CORNER OF THIS TRACT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1400.00 FEET, A CURVE LENGTH OF 178.48 FEET, A DELTA OF 07°18'16", AND WHOSE LONG CHORD BEARS S40°04'35"E A DISTANCE OF 178.36 FEET TO A POINT OF TANGENCY FOR A CORNER OF THIS TRACT; THENCE S43°43'43"E A DISTANCE OF 19.84 FEET BACK TO THE POINT OF BEGINNING. THIS TRACT CONTAINS 7.806 ACRES, MORE OR LESS, OF LAND AND IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

City of Las Cruces
PO Box 20000
Las Cruces, New Mexico 88004-9002

July 8, 2011

To: City of Las Cruces, Development Dept.

I would like to point out that about seven years ago six or seven places around the area between Settler's Pass and the west end of Pinetrail were cleaned off and street utilities put in.

We who live here have had to endure the dirt and tumbleweeds from this.

There is also a large area in the Stonegate section that is the same way.

I see no reason to allow more development by anyone until these are completed.

Please take this into consideration.

Sincerely,

Nadine Brookings

2013 Pinetrail
Las Cruces, NM 88007

Date: August 16, 2011

To: Helen Revels /Community Development Dept.

Associate Planner

Fr: Rudy Navarro

Home Owner

Re: Case Z 2814/5-09-053

As a tax payer and property owner in the Settler's Ridge subdivision, I am against granting a zone change at this time until Roadrunner Parkway is connected to the existing Roadrunner at Highway 70. Any more residential building in this area would create heavy, unsafe and dangerous traffic. Today, Settler's Pass has a heavy amount of traffic due to its extension to Rinconada. This extension has also not been completed creating an unsafe roadway. I strongly feel that Roadrunner Parkway as well as Settler's Pass extension has to be completed before any zone changes are granted.

We urge the city counselors and planning & zoning commission to seriously review these issues before granting any approval of zoning changes at this time. On behalf of the people on Settler's Ridge, our safety and quality of life will be affected greatly if the zoning is granted without the changes that need to be done to the roads previously mentioned.

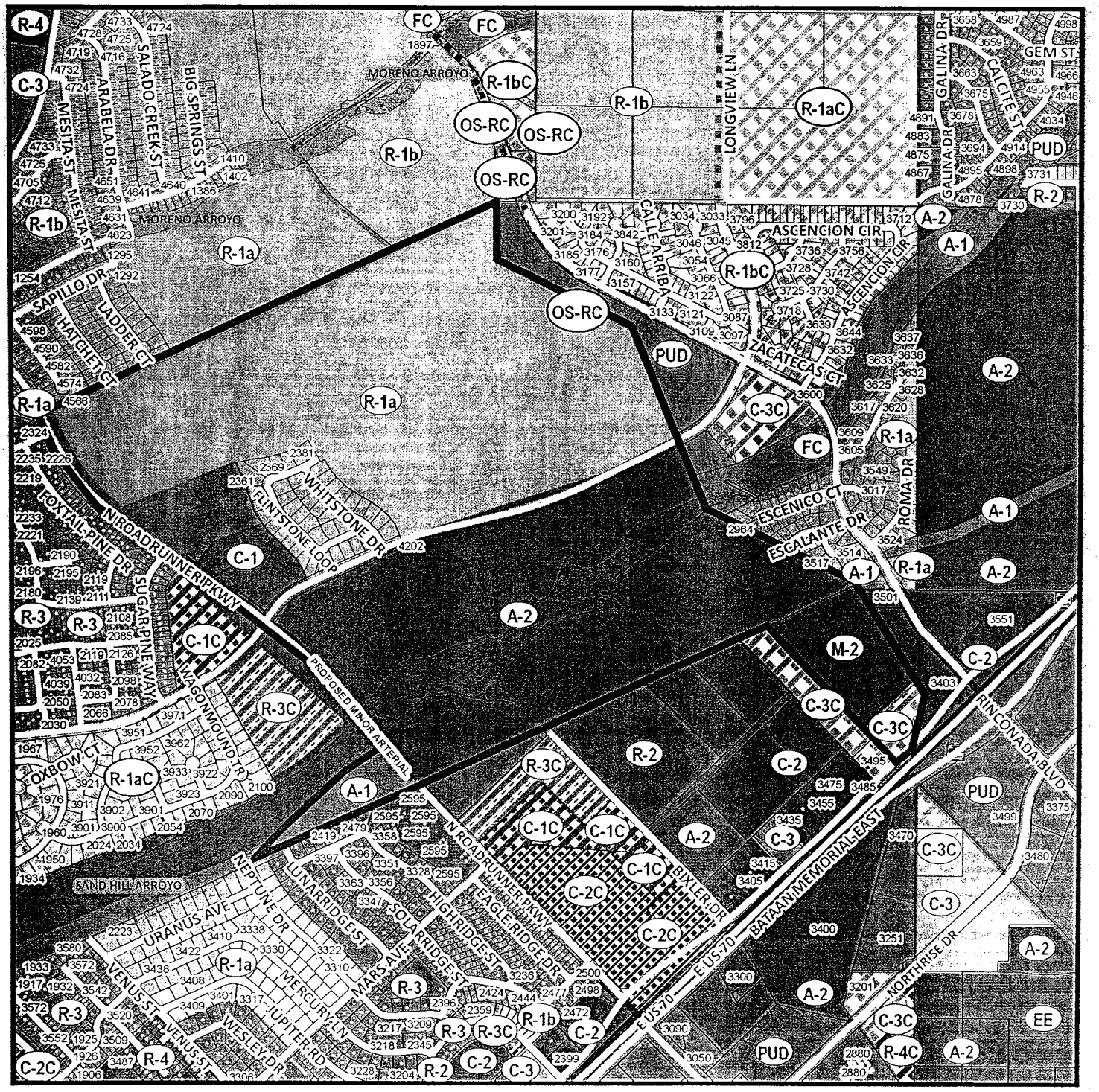
Rudy Navarro 8/17/2011
635-2353

ATTACHMENT #8

Zoning Map

ZONING: Mutiple Zones
OWNER: Eddie Binns

PARCEL: 02-38952, 02-07938
DATE: 08/17/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

TP	EXISTING LIMITED ACCESS	PROPOSED INTERCHANGE/UNDERPASS	Non Designated Trail
	EXISTING PRINCIPAL ARTERIAL	PROPOSED PRINCIPAL ARTERIAL	Proposed Paved EBID
	EXISTING MINOR ARTERIAL	PROPOSED MINOR ARTERIAL	Proposed Unpaved EBID
	EXISTING COLLECTOR	PROPOSED COLLECTOR	City Parcel
	PROPOSED LIMITED ACCESS	PROPOSED CORRIDOR	Interstates_Highway
			EBID Water System
			Railroad
			Rio Grande
			Arroyo

0 250 500 1,000 1,500 2,000 Feet

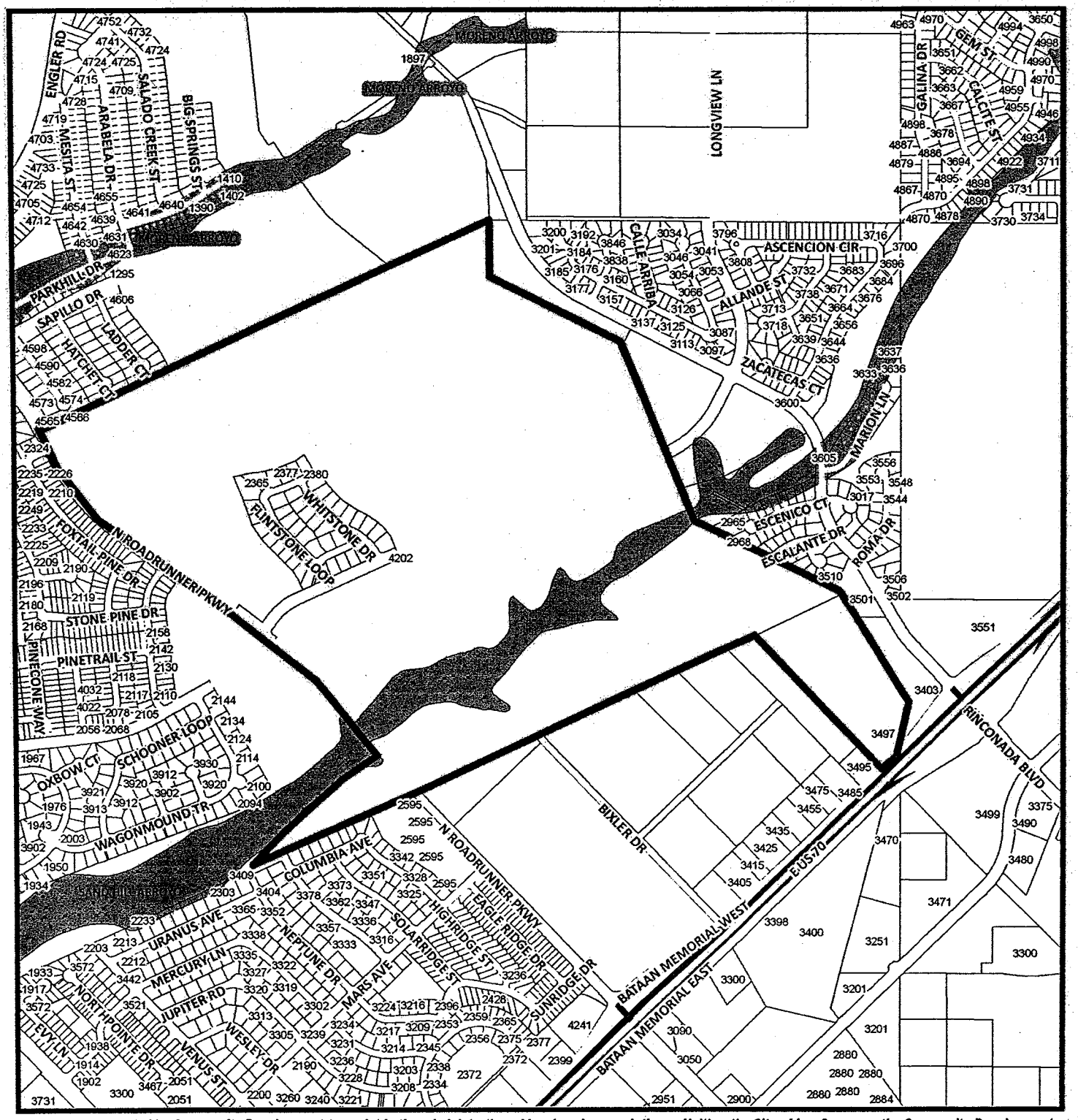
Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

ATTACHMENT #9

Location Vicinity Map

ZONING: Mutiple Zones
OWNER: Eddie Binns

PARCEL: 02-38952, 02-07938
DATE: 08/17/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

- Point_Address
- City Parcels
- Interstates_Highway
- EBID Water System
- Railroad
- Arroyo
- Rio Grande

0 250 500 1,000 1,500 2,000 Feet

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
August 23, 2011 at 6:00 p.m.

BOARD MEMBERS PRESENT:
Charles Scholz, Chairman
Godfrey Crane, Vice Chair
Charles Beard, Secretary
William Stowe, Member
Shawn Evans, Member

BOARD MEMBERS ABSENT: NONE
Ray Shipley, Member
Donald Bustos, Member

STAFF PRESENT:
David Weir, Director, Community Development
Adam Ochoa, Acting Senior Planner
Helen Revels, Planner
Lorenzo Vigil, Acting Assistant Planner
Srijana Basayat, Planner
Mark Dubbin, CLC Fire Department
Jared Abrams, CLC Legal Staff
Bonnie Ennis, Recording Secretary

I. CALL TO ORDER (6:00 pm)

Scholz: Good evening and welcome to the Planning and Zoning Commission meeting for Tuesday, August 23, 2011. I'm Charlie Scholz, the Chair of the Commission. Before we begin our proceedings I want to identify the members of the Commission who are here tonight. On my far right is Commissioner Crane. He represents Council District 4. Next to him is Commissioner Stowe. He represents Council District 1. On my immediate right is Commissioner Beard. He represents Council District 2 and I represent Council District 6.

II. APPROVAL OF MINUTES – July 26, 2011

Scholz: The first order of business is always the approval of the minutes and I see an errant member coming in the door. It's Commissioner Evans who represents District 5. So we'll wait until he sits down and then we'll go for the approval of the minutes. Welcome, Commissioner Evans. All right, are there any additions or corrections to the minutes?

Scholz: All right. Fine. I'll call the role. Commissioner Crane.

Crane: Aye findings, discussion and site visit.

Scholz: Commissioner Stowe.

Stowe: Aye findings, discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings, discussion.

Scholz: Commissioner Beard.

Beard: No.

Scholz: Would you give us your reasons, please?

Beard: Findings, site visit and discussions.

Scholz: And the Chair votes aye findings, site visit and discussions. All right, so it passes 4-1. *(Applause from audience)* Lively audience tonight, isn't it?

Crane: I've never heard applause before...hissing, booing.

Scholz: I beg your pardon, Commissioner Crane.

Crane: I've never heard applause before.

Scholz: Well, sometimes people favor us, I guess. We used to say, "Don't applaud: just throw money," but that's probably too crass.

VI. NEW BUSINESS

1. **Case S-09-053:** Application of Underwood Engineering on behalf of Eddie Binns for a master plan amendment for 279.438 ± acres known as the Rancho Del Rey Master Planned Area. The master plan identifies 23 planning parcels with a range of 2,877 to 3,941 dwelling units. The amendment proposes to align planning parcel boundaries with zoning boundaries, create a new planning parcel for open space recreation purposes, and establish land uses consistent with the 2001 Zoning Code for properties on and adjacent to the Sandhill Arroyo. The property is located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey; Parcel ID# 02-38952 and 02-07938; Proposed Use: Single-family/multi-family residential,

neighborhood commercial, light industrial, and open space recreation; Council District 5.

Scholz: All right, our next item is new business and this is case S-09-053 and Ms. Revels, I see you are presenting.

2. **Case Z2814:** Application of Underwood Engineering on behalf of Eddie Binns for multiple zone changes for 120.535 ± acres located generally east of Roadrunner Parkway, north and south of Settlers Pass; a.k.a. Rancho Del Rey; Parcel ID# 02-38952; Proposed Use: Single-family/multi-family residential, neighborhood commercial, and open-space recreation; Council District 5.

- Tract A, 0.229 ± acres, from R-1a (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density)
- Tract B, 1.002 ± acres, from R-3 (Multi-Dwelling Medium Density) to R-1a (Single-Family Medium Density)
- Tract C, 1.006 ± acres, from C-1 (Commercial Low Intensity) to R-3 (Multi-Dwelling Medium Density)
- Tract D, 1.277 ± acres, from C-1 (Commercial Low Intensity) to R-1a (Single-Family Medium Density)
- Tract E, 4.797 ± acres, from A-2 (Rural Agricultural) to R-1a (Single-Family Medium Density)
- Tract F, 8.669 ± acres, from A-2 (Rural Agricultural) to OS-R (Open Space-Recreation)/FC (Flood Control)
- Tract G, 12.029 ± acres, from A-2 (Rural Agricultural) to FC (Flood Control)
- Tract K, 7.487 ± acres, from A-2 (Rural Agricultural) to C-1 (Commercial Low Intensity)
- Tract L, 21.488 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract M, 2.980 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract N, 51.711 ± acres, from A-2 (Rural Agricultural) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
- Tract Q, 0.054 ± acres, from R-3 (Multi-Dwelling Medium Density) to C-1 (Commercial Low Intensity)
- Tract R, 7.806 ± acres, from A-1 (Flood Control) to R-4 (Multi-Dwelling High Density & Limited Retail and Office).

Revels: That's correct. Good evening, everyone. Today we have the Rancho Del Rey Master Plan amendment number 2 and zone change request. The master plan is S-09-053. The zone change request is Z2814. That property is located generally east of Roadrunner Parkway and north and south of Settlers Pass a.k.a. Rancho Del Rey Master Plan area. In encompasses 279 acres and it's parcel number 02-38952 and

02-07938, which the larger parcel is this piece here and the smaller piece here encompasses the Rancho Del Rey area.

The purpose of the master plan amendment and zone change is to adjust existing planning parcel boundaries to be in concert with the existing zoning and proposed zone changes north of Settlers Pass. The second item is to create a planning parcel for open space and recreation purposes, which they're creating a park, and also there's proposed a 40-foot wide walking path and also preserving the Sandhill Arroyo is called out as a planning parcel also and this is all on this south side of South Settlers Pass.

Next we are going to be establishing land uses that are consistent with the 2001 Zoning Code for the land on and adjacent to the Sandhill Arroyo. We're going to be creating zoning tracts to be in concert with those proposed planning parcels. We are going to be creating a true multi-family product with 30 to 40 dwelling units per acre around the Sandhill Arroyo. This amendment will increase the multi-family uses and decrease the single-family uses. There is a proposed increase of 863 to 1,906 dwelling units from the 2004 Master Plan Amendment to the proposed 2011 amendment.

Here are some case specifics for the 2011 proposed amendment and the 2004 approved amendment. The 2011 proposed amendment has 23 planning parcels. It calls out 2,877 to 3,982 dwelling units: the range of 455 to 752 single-family units and 2,422 to 3,230 multi-family units. They're proposing to have a true multi-family product, which I have already mentioned that it's going to south of Settlers Pass on and adjacent to the Sandhill Arroyo. There're 30 to 40 dwelling units proposed per acre. The breakdown of the acreage from the 279 acres is: 231 acres of residential uses; 26 acres of commercial-office uses; 7.9 acres of open space flood control; and 11.6 acres for the Sandhill Arroyo. The 2004 approved Amendment had 22 planning parcels, called out for 2,014 dwelling units. Of those 2,014 dwelling units, 1,640 were single-family and 374 were multi-family. There were 26.4 acres of commercial-office use and 253 acres for residential uses. I also wanted to point out: of the 23 planning parcels called out in the 2011 proposed amendment one of the planning parcels is called out for acreage for the right-of-way for the roads to be built.

Here is a map of the master planned area. This is the north side of Settlers Pass where the zoning is already in place and land uses are already in place. Mr. Binns already has, I believe, preliminary plat approval right now for The Eagles 1, which is in this area here, and Pine Summit in this area here and he's working on Stonegate II in this area here. The south side of Settlers Pass Mr. Binns had planning parcels already approved in the 2004 master plan but he never adjusted the zoning to have the zoning in concert with the proposed planning parcels.

Case specifics for the zone change tonight: North of Settlers Pass the property is currently zoned R-1a, R-3 and C-1. South of Settlers Pass the property is currently zoned as follows: we have C-3C, M-2, A-1, which is Flood Control from the 1981 Zoning Designation from the 1981 Zoning Code, and A-2, which is Rural Agricultural from the 1981 Zoning Code. The proposed zoning change request tonight will consist of changing 12 zoning tracts encompassing 120.5 acres to bring those into compliance with the...well, not into compliance but to set land uses and zoning to those land uses for the south part of Settlers Pass. Here's a table. I don't know if you guys want me to read off the table. Would you like me to read off the table of all these zone changes?

Scholz: I don't think that's necessary. We all have copies of that.

Revels: Okay. As you can see there are some things that have no change and some that have very minimal changes because of the adjustment of the planning parcels on the left side where it encompasses some of the smaller changes here; but then your larger changes that were on the south side of Settlers Pass, which is actually establishing zoning that's current with the 2001 Zoning Code because A-2 and A-1 do not exist in the 2001 Zoning Code.

Here is a zoning plat showing the entire area here and there's the parcel that's called out for the Sandhill Arroyo and I know that a lot of concerned people that I've talked to are concerned about this triangular piece here that is adjacent but is indicated to be outside of the arroyo area and also abuts up to the Four Hills neighborhood there.

Here's an aerial map showing...this is Stonegate Phase I that's already out there. I believe it has 30 units. I know on the north side of Settlers Pass where Mr. Binns has proposals that are in the preliminary process and have been approved they also have this schedule of when he is supposed to construct Roadrunner Parkway and also Settlers Pass and that was also in your packet. I'm assuming when he goes to submit any proposals on this site if he gets the master plan and zone change approved he will have to comply to some type of schedule of what needs to be in place when he starts to develop on this south side of Settlers Pass.

Here's a zoning map. You can see here...there's the majority of the R-1a here, the C-1 and this is R-3 here and this is all you're A-2 and you see the Arroyo coming through here and this is the A-1 in this area right here.

Findings: the findings are the subject property is generally located east of Roadrunner and north and south of Settlers Pass. The property currently consists of single-family residential use, commercial and office use and vacant/undeveloped land.

The zone change request consists of multiple zone changes on 12 zoning tracts and contains 120.5 acres and this area is known as the Rancho Del Rey Master Plan area. The master plan amendment includes 23 planning parcels and contains 279 acres. The proposed amendment will range from 2,877 to 3,982 dwelling units and the master plan amendment will adjust existing planning parcel boundaries to be in concert with the proposed zone changes and create a true multi-family product with 30 to 40 dwelling units per acre around the Sandhill Arroyo.

Staff recommends an additional 40-feet of Open Space-Natural/ Conservation linear strip on the south side to complement the 40-foot linear path that they were proposing on the north side. Staff also recommends that that path start at Roadrunner Parkway and continue to the eastern boundary of his master planned area to provide connectivity from Rinconada Avenue down to Roadrunner Parkway and offer some open space recreation area.

The remaining half of Roadrunner Parkway from Parkhill Estates to the intersection with Settlers Pass shall be constructed as follows: the portion that fronts Eagles 1 Subdivision (Planning Parcel 1) shall be constructed when the Eagles 1 Subdivision is constructed; the portion that fonts Pine Summit Subdivision (Planning Parcel number 5) which is directly adjacent to Eagles 1 shall be constructed when Pine Summit Subdivision is constructed; the portion that fronts the commercial Planning Parcel 6 shall be constructed when either Eagles 2 or Stonegate II Subdivisions are constructed and; the remaining portion of Settlers Pass from the eastern boundary of Stonegate I to the eastern boundary of Rancho Del Rey Master Planned Area will be completed prior to any lots being sold in Stonegate II Subdivision, which is Planning Parcel 8. The Zone Change and Master Plan Amendment are consistent with the Goals, Objectives and Policies of the City of Las Cruces Comprehensive Plan.

Staff recommendation tonight: DRC made a recommendation to approve the master plan amendment and zone change on May 25th with the following conditions: park and impact fees will be assessed until such time the park is built and may be reimbursed to the developer by the City of Las Cruces; final design of the park must be submitted and approved by the Facilities Director and/or official designee proper to any development plans being submitted for planning parcels 9 through 22, excluding existing approved development as of November 2010 and any other development beyond Stonegate II; upon completion of 50-75% of the Rancho Del Rey Master Plan area the park identified as Planning Parcel P13 and the 40-foot-wide walking path facility will need to be constructed in its entirety; based on the overall dwelling units the requirements for the park acreage could change substantially from seven acres all the way up to twelve to thirteen acres; number five, the City of Las Cruces

Utility Department and the developer will work together for the easement acquisition of the proposed sewer interceptor and the access to the existing proposed sewer interceptors; there will no further approval of development in the Rancho Del Rey Master Plan area from the Utility Department until the easement acquisition is completed, and; number six, it is understood that there is an existing sewer line in Proposed Parcel 13. The location of the park/dual use facility must not negatively affect the sewer line or vice versa. Be advised that this is only a conceptual plan. It must be demonstrated that the location of the park/dual use facility and the sewer line is feasible. Per CLC Design Standards the increased post-development volume must be retained and the post-development peak flow must not exceed historic flow.

Your options here tonight...normally a master plan has final approval with the Planning and Zoning Commission and zone change recommendations are made P & Z and goes forward to City Council. So I'm saying tonight, if you'd like to make another condition to have the master plan go in concert with the zone change to City Council you can condition the master plan also to have it go in with the zone change to Council.

So your options here tonight are: to approve the master plan amendment as recommended by staff with the conditions that I read to you; approve the master plan amendment request with the conditions deemed appropriate by this Body; deny the master plan amendment request, or; table or postpone the Master Plan Amendment request.

The options tonight for the zone change request are: to approve the zone change request as recommended by staff; approve the zone change request with conditions deemed appropriate by this Body; deny the zone change request or; table or postpone the zone change request. That is the end of my presentation. I'll stand for any questions and the owner and his representative are here also.

Scholz: All right, gentlemen, questions for Ms. Revels? Commissioner Crane.

Crane: So we have to suspend the rules to discuss these two items?

Scholz: Yes, we will.

Crane: Okay. I've two questions. Ms. Revels, in the comments from the public they seem to be in two categories. One is concerns about adequate highway access as the development is proceeding. Do you feel that the schedule for highway building that you gave us a few minutes ago meets those public concerns?

Revels: Highway? Are you talking of the Roadrunner Parkway in Settlers Pass?

Crane: Yes, the major roads.

Revels: Okay, like I stated before on the north side of Settlers Pass he was put on a schedule as when development was to occur, when the roads had to be built in line with his planning parcels. So as Mr. Binns submits preliminary plats on the southern portion of Settlers Pass I am assuming that that schedule will continue, that he will have to meet certain standards in order to build the rest of Roadrunner Parkway all the way out.

Crane: Okay. But you're assuming he will.

Revels: Well, I'm going to say that most likely staff will recommend that it be conditioned like it was because I know that the conditions that I read to you about the build out of Roadrunner Parkway and Settlers Pass were a part of, I believe, it was Pine Summit Subdivision and so these were conditions that were read into record that he had to build the road as these developments came in.

Crane: Okay. The other thing was a concern expressed by the public about this section R that was devoted to flood control and is now known to be a residential and retail, I think. How's that transition being handled? I mean, is there a...

Revels: Are we talking this piece here or are we talking right in here?

Crane: Show me again.

Revels: We have the A-1 piece here.

Crane: I think A-1 is now R, isn't it?

Revels: They're calling out for R-4.

Crane: Okay.

Revels: They're proposing R-4.

Crane: That's the one which we are told accumulates a lot of water.

Revels: I'm assuming when he does submit a development application to do any type of development there, their engineering will...there will be drainage, things that he will have to address. I was told that I should just defer that to the applicant or to his engineer but there will be a

design that would have to be done when he goes to develop that property.

Crane: Thank you.

Scholz: All right, other questions? Commissioner Evans.

Evans: Yes...and maybe you mentioned this but I didn't catch it. The Roadrunner Parkway from Highway 70 to the proposed change...when does that get developed? Are we talking about the applicant developing the portion that runs alongside the area of his proposal and that's the plan; but when does it continue on all the way to Highway 70; because that's a long stretch of road and my question is: that if we develop all this and we don't develop that and we push all the traffic down to Del Rey or we push all the traffic up to Rinconada when we're totally ignoring this other access from Highway 79.

Revels: Mr. Binns would be required to build out Roadrunner Parkway adjacent to his property. Development of roadways are based on development, I mean, roadways are built with development of property so as things are built out then the roads are built.

Evans: Right. It's exactly my point and I understand how that works and so there's no intention currently, right now, either from the developer or from staff as they know it today toward the person who owns this parcel to build out that portion from Highway 70 which connects up to the parcel in question that we are discussing now.

Revels: That's correct. As far as I know, no.

Scholz: Okay. Just to clarify: what you said about the extension of Settlers Pass over to the neighborhood of Rinconada; that would be done after Stonegate II is platted? Was that the idea?

Revels: No lots can be sold in this subdivision. It can be built but no lots can be sold until the Settlers Pass is built out to the eastern boundary of his property.

Scholz: Okay. All right, that was my question. May we hear from the applicant, please?

Binns: Good evening. My name is Eddie Binns and we really don't have a situation as complicated as it appears. Number one, to set people's minds at ease the, I believe, it's tract number R, which is the triangle piece down here at the bottom. Number one, this is not in a flood plain. It is above the flood plain on the FEMA maps so it does not

require any special handling to be able to utilize it. It is a tract of land that I'd proposed to a number of the people with the City staff to put in a park there but I did not get any support for it.

In meeting with some of my neighbors and some of the people that I've sold homes to for the last several days I have discussed with them and understand their concerns about a high-density multi-family in this little triangle. They have concerns of the problems that they'd happen to live with from a Section 8 across the arroyo and the things that go along with it and I've assured them that I do not want to put them in a position where that is a concern. So, number one, I would be modifying any request that we have tonight to take this triangle and, I believe, that is Tract number R...double check to be sure.

Scholz: Yes, it is.

Binns: Tract number R to an R-2 zoning. This would be a zoning which would be much more compatible to the neighborhood and the people across the way rather than an R-4 with the higher density and a rare possibility that it might some apartments that would be not compatible with what I like to do or would want to be involved in.

The real reason I'm here tonight is because I want to build a park. I have deposited money, these people's money, in building permits for over 300...600...approaching 800 housing units that I have charged all of these people park fees for and we don't have a park and in the process of developing this back in 1975 when I started the original concept they said, "We don't need any parks in here, Mr. Binns, so don't put any there because we want your money so we can get land from the BLM and build parks on that." Well, that didn't take place. But the money still was collected and put in reserve and is supposed to be used only in this unit of town. Well, the City found that if they made the town all one unit instead of four or five units then they could take the money that was collected here and build it in a park somewhere else. So we don't have a park nor do we have the money now, probably, to build a park.

So in the process of building out...where's my arrow here...across this area across here is the Eagle Subdivision, probably a couple hundred houses in the 250 to 300 some-odd dollar price range so that they would be higher priced homes on that ridge. The Stonegate Subdivision would be a couple of hundred houses in this general area. In the process of developing that and working it out there is drainage that needed to be taken care of and I find myself with 400-and-some odd houses going in there and no park. So we says, "Let's come in and put a park in this immediate area that is a combination park, hundred-year flood plain, stormwater to catch on the two or three days out of year that you may have it." When I proposed the park, why our City regulations says, "Hey, you just can't do that:

you got to change your Master Plan." So I'm back trying to sort through our current planning and zoning and says, "Well, if I want to set aside a piece of land for a park and for drainage, why can't I do it?" Well, you can when you master plan the whole thing. So that's why we're here today master planning so that I can set aside some land for drainage and a park.

So, when you say, "Okay, let's look at master planning this thing and try to think about what's going to happen tomorrow." Obviously, I can't give a house away today if I wanted to, if I offered people to have it for the mortgage so housing is in the doldrums right now. It's in bad shape, no question about it, and when it comes back it's still going to be questionable because a lot of things are changing in the shelter business. You are going to find more people living in apartments so if they have the ability with job transfers to pick up and move tomorrow. You're going to find many people that can't collect and accumulate the money for the big down payments that are required now and I think they're going to be required in the future. So it means that we're going to need more places to shelter people and multi-family is one way to accomplish that. People kid me sometimes, says, "Eddie, why do you keep playing this game?" I says, "Well, because people keep getting married and having babies and as long as that happens they're going to need a roof over their head because there's a limit how long they can live with mom and dad." So they do need some type of shelter and the multi-family is one of the ways that we can assist that and help people in the area.

There was a question about the construction of Roadrunner between my boundary and Highway 70. If everything goes as planned the City Council's impact fees are going to provide the money to build that. I've been assured of it because I figured I've been contributing pretty heavy to that fund and that's how that is proposed to be taken care of in the future; not only the construction of Roadrunner there but also the bridge across the arroyo and those are the things that have been promised our industry in the process of this new impact fee. These impact fees aren't going to happen tomorrow. This development's not going to happen tomorrow. Stuff that takes place here is going to happen over the next ten or fifteen years. Things don't move as fast as sometimes people would like and me, in particular, and others, it's quite slow.

But now's the time to do your planning; now's the time to do some thinking ahead. Thinking ahead, this subdivision, this neighborhood, was conceived around 1975. There was a conceptual plan that was generated over the entire 600 acres of land. What has evolved today is on the same track as what was designed with the Comprehensive Plan in 1975. It was modified in the 80s and modified again in the late 90s. Each time it was modified or any changes took place or identifications I have generated maps of the region and I have

required that any sales that I am involved or participate in a disclosure takes place with that map and disclosure of the zoning that is going on around there. I don't want to be in a position where I have people that are buying sites that say, "Well, no one told me there was going to be apartments there. No one told me this was going to be a C for a church and/or offices or whatever," and I do require that that be placed in all contracts for disclosure. It is a practice I have learned a long time ago that has proved to do. I'd rather lose a sale than have someone come back and say, "You didn't tell me that you're going to build apartments in my back yard." And the people that live back up there, they're going to stand and tell you today that I told them there would be apartments in there some day. They are going to say that I said, "It might not be in your lifetime but it is in the long–range plan and that will take place."

The zoning that we're really concerned with is the lower south portion. The north portion is already basically zoned and any zoning that is in the maps and plats there are the cleaning up of boundaries. When you take a large tract of land and you get a pencil and mark out there and say, "Okay, this is going to be R-1, R-2, R-3 or whatever." Then you come in and you put the subdivisions together and in the process of laying out streets and lots there can be overlays and overlaps that take place between those zonings and Helen's got a plat here and...let's see if I can go to it...okay. This is a good example. Up here in this area you can see a small wedge that is a clean up zoning. There's a little triangle over here that's clean up zoning. This is an overlap here. This tract currently today carries a commercial zoning but it has houses sitting on it and it is single-family. So we are cleaning up the zoning boundaries on several tracts in the north portion of that so that they have the correct zoning in the correct subdivision that is there.

This particular map does give you a view of the proposed park that is in this general area here. You'll notice that there is a little ribbon in the north side of the arroyo. There's a sewer line that was built in this area back about 25 years ago, maybe 30 years ago. It wasn't paid for by the City. It was paid for by me and Steve Gary when he was taking a sewer line up to Las Colinas. That sewer line was a 12-inch sewer line and it is the only sewer line that is going to the East Mesa that is taking sewage north of Highway 70. You stop and think: the Oñate High School, Las Colinas, the Ranchers...all of those subdivisions are draining into that sewer line and it's running pretty full. The City has approached me requesting me to try to work with them on easement down the Sandhill Arroyo so that they could put in a 16-18 inch interceptor line to feed the growth taking place on that side of town. They are looking for another 30-foot-wide strip of right-of-way from the Interstater 25 all the way up to the Las Palomas Subdivision on this upper side. It is something I told them I would with them on and

I do have some requirements that I want it to be done so that there is erosion control on the north side of the arroyo. Once this was identified then several members with the City staff, the Parks and Recreation says, "Eddie, that's a natural for a path for people to walk their dogs from Las Palomas all the way to the Interstate and you've got a 40-foot right-of-way through there;" 10-feet existing plus a new 30-foot that the City wants to put in. And being good natured and such I said, "Okay, no big deal; but make it a path. They'll include it with the park tied together." But in visiting with the existing neighbors that I sold houses to downstream they wondered if I'd lost my mind. They says, "Eddie, what do you mean opening up a path that's going to run down the back of our fences? We've enjoyed the privacy for a long time and we can understand the need for a sewer line but we don't get very excited about putting a path back there so that people walking their dogs looking in our back window." Anyway, I'm caught in a quandary in that one. I don't have a solution. I'm going to have to work with City for the sewer line and, in the process we can try to pursue the moving of any paths down that 40-foot strip as far away from the property owners as possible so people aren't looking in their back yard.

With that thought in mind I am not at all in agreement of placing a 40-foot ribbon on the south side of the Sandhill Arroyo to do the same thing. It's not necessary. It's an area that has not been discussed between me and the planning staff and it is something that I'm totally against because the people that live over there are not going to want it and I am not endorsing and proposing to put one over there.

Today land values out there are relatively low but there may come a time in the future when land values are worth more and it may be feasible to do tighter control, maybe in the form of some form of channelization just as is taking place on the Las Cruces Arroyo to try to confine and control the erosion and the flow that's going up that arroyo so that a location for something on the south side is not at all feasible at this time and I am not in favor of that at all.

The industry at this time is basically dead. Now is not the time to develop land and kick'er but now may be the time to do some intelligent planning and look ahead because we've seen cycles come and we've seen cycles go and if we have our house in order and clean up some of the overlapped things at this time, now's a prudent time to do that.

Basically, I've tried to touch on a number of things that people are concerned with, some of the questions that you may have and I'd be glad to try to respond to any thought you might have on this particular action. Thank you.

Scholz: All right, questions for this gentleman? Commissioner Beard.

Beard: Mr. Binns, that 30-foot strip that you're talking about, are you requesting that we put in another recommendation if we approve this...that that not be included or...because I don't see it in here as a recommendation.

Binns: The recommendation was a 40-foot strip on the south side of the arroyo, if I remember seeing it while ago. *(Referring to slide in the presentation)*

Revels: See, these are the conditions.

Binns: Those are staff recommendation conditions and that hit me cold. That's the first time I've seen it.

Revels: Those are findings. They were provided those decisions...but they're findings; what the staff is recommending and that's planning staff is recommending but it's not in the conditions.

Binns: Okay. I read it so I don't know how it's interpreted but it was on the screen.

Scholz: It's not a condition then.

Beard: Yeah, it was a finding but not a recommendation.

Scholz: Not a condition.

Beard: I mean a condition.

Scholz: That's right.

Binns: I don't know the difference between one or the other.

Beard: if we approve it then it would not be included. Thank you.

Scholz: Other questions for this gentleman? Okay, Mr. Binns, you talked about the Sandhill Arroyo. Are you required to bridge the Sandhill Arroyo?

Binns: Today I'm not required to bridge the Sandhill Arroyo because I have not brought any development packages to you which require the crossing of the Sandhill Arroyo to the other side. Right now we are talking about zoning tracts of land not subdividing tracts of land so that at the time subdivision would take place that would be the time that negotiations in some form or fashion would take place for the crossing of the arroyo. And that's why I alluded that the new impact fees will

probably do that for me. By the time we get ready to do it we should have money in the impact fee to cover it.

Scholz: All right, what section is the proposed park? What tract is that? Is that Tract F?

Binns: Let's go back...

Revels: It's Parcel 13, I believe. It's Parcel 13.

Binns: I need a magnifying glass for it, but...

Scholz: Okay, ours are done in alphabetical letters here so I say it's...

Revels: The zoning tract?

Scholz: Let's see...this is the zone map we're talking about, yeah. I have Tract F. Is that correct?

Revels: That's correct. It's Tract F on the Zoning Plat

Scholz: Thank you.

Revels: Planning Parcel 13 on the Master Plan.

Scholz: All right, any other questions for Mr. Binns? Yes, Commissioner Evans.

Evans: Well, just for the sake of the public and to make sure that we're all clear...Helen, we're looking at a zone change and we're looking at a master planning change and then all of the parcels that will go through a subdivision will come before this Board again and at that time is where the traffic study analysis will be done as to whether or not the existing roadways can support that development.

Revels: Any development on the residential planning parcels will have to go through the preliminary plat, final plat process and any development on any of the commercial parcels can be divided through the alternate summary process.

Binns: To expand that thought and clarify it I have made commitments for the build out of Roadrunner through the properties as various stages of development takes place. I've made commitments to extend Settlers Pass when I do Stonegate Unit number 2 so that those traffic patterns are addressed as development takes place north of Settlers Pass and that's what would be on the table the soonest.

Scholz: All right, any other questions. Before we open this to public discussion I am going to suggest a 10 minute break. We'll reconvene here at a quarter to eight. We are in recess.

TEN MINUTE BREAK

Scholz: All right, our next session would be public comment on this zone change and the master plan. Now, how many people would like to speak to this? Can I see hands? Okay, I see a number of people, probably a dozen. What I'm going to ask is that you limit yourself to three minutes and I'm going to ask our Secretary to keep the timer here. I'm not using the formal timer, which is sitting over here, because we haven't had much experience with it. But I would ask you to limit yourself to three minutes and Commissioner Beard will wave at you when you get down to thirty seconds. Pardon me?

Beard: The red light.

Scholz: Oh, yeah. Right! He will turn his red light on and then you'll know you have thirty seconds left. So would you come up and identify yourself first, please. Let's start on this side in the back. Yes, ma'am.

Poore: My name is Jennifer Poore and I am a resident in Four Hills area. I am concerned about a few things that were said by Mr. Binns today. First of all I think this is a very serious situation because I think some issues were brought up that were inaccurate. First and foremost is the flooding situation in what on one map says A-1 and on another map is Tract R and on another map is P18. So if we could all get on the same page...it's that pie-shaped piece.

Scholz: I believe we're calling it Tract R.

Poore: Okay. And you can see, even on the map that's up right now, there are two different areas of streets that drain directly across Tract R into that arroyo so I don't know where Mr. Binns is getting his information as far as there's no water there, there's no flooding there; because I have pictures to prove it that I took just this past week in a very mild rainstorm that shows that tons and tons of water flows all the way down from Mars to all the streets of those neighborhoods down to Luna Ridge and empties across Tract R into the arroyo. That is indeed a flood zone area. All I can think is he is getting his information from maybe an old report way back in the 80s where this may not have been true but it is true today. Any of you could go out there during any rainstorm and see it. This is a serious issue. It is such an issue because the new apartments, which again aren't shown on this map,

which are up behind High Ridge, they're the Four Hills Apartments...they were built...and I can't even point but it's...High Ridge is the street to the far right of that Tract R and apartments were built in there and they have a collection pond for water which failed, which wasn't enough, because there's too much flooding in our area. So a spillway, which does not show on this map, was built coming down across High Ridge down Columbia and goes into Luna Ridge and into the arroyo; again, across Tract R. So not only is it all of our homes that water drains into there but those new apartments, the Four Hills Apartments, they all drain into there, too. So my concern is not the rest of what he's talking about. My concern is that he's trying to build in an area that I guarantee you floods every time it rains. Thank you.

Scholz: Thank you. Someone else from this side...Yes, Ma'am

Krueger: My name is Connie Krueger and I reside at 2479 Columbia Avenue. I'm opposed to the proposed rezoning for the following reasons. I would echo the lady who spoke previously. Not enough information has been provided to the people to prove that the area for rezoning should be removed from the flood zone. This affects the safety of the residents in this area. Regarding the map you can see...I say across the arroyo...how close Mr. Binns has built to the Sandhill Arroyo. The homes are right in the flood zone.

Number two; I am also opposed to the destruction of the habitat for the great horned owls, the marsh hawks, the toads, the newly migrating birds who are misplaced because of urban development.

I don't believe, number three; that the area needs to be commercialized or any more homes need to be built there since we do live in that hundred-year flood plain. I think it would be an excellent opportunity for Mr. Binns to provide the area as a place for people to live in harmony with the desert and it is already a park and people use it as such and it would preserve the wildness of the desert landscape and this would also preserve water for a park.

Lastly, I am concerned about the devaluation of my property. The view is priceless and it's a selling point; it's a living point and that would be greatly altered for me. I ask you to preserve the peace, quiet and beauty of the natural landscape and I ask you to preserve the safety of the residents. Thank you.

Scholz: Thank you. Someone else from this side. Yes, sir. I'm sorry. I should have identified...the maroon shirt. Yes.

Toland: My name is Jack Toland. I live at 2499 Columbia adjacent to Tract R. I echo some of the statements as far as we have a water issue. I don't envy the engineer who has to try to design a structure that will survive

that area. We enjoy our wildlife. Mr. Binns has stated that he's willing to move that from R-4 to R-2. I think that's a small victory. It's obvious that based on what the City has for funding...I was in part of the process for rebuilding the Del Rey area so it's going to be a while before we get across Roadrunner so I think traffic concerns, as far as being able to populate that area aren't necessarily my problem right now.

But something that you guys said earlier: when you guys zone this it's zoned forever. You made the same statement earlier: what is the impact of doing this? It's great that Mr. Binns is willing to keep his development to a minimum at this point and it doesn't impact our house prices as they stand right now but it changes the character of the neighborhood. To paraphrase something that you said, Mr. Evans, "Once it's rezoned, it's rezoned." That's just how it goes. We talked about the bureaucracy and sometimes in the bureaucracy the intentions get overlooked. It's something you said about in the last case that we had. That's great that we want to rezone it and what's his intention is now. What's the intention twenty years down the road? Is the bureaucracy going to overlook what his intentions were once that area is sold? I'd like you guys to think about that. Obviously, we have concerns with home values and we're all trying to get the most for houses as possible but I think if we had a little foresight and make sure that our intentions for this space are going to be the same for the long haul and not just necessarily what Mr. Binns plans to use it for until that area gets sold. Thank you.

Scholz: All right, the gentleman with the striped shirt. And you have some pictures for us. Thank you.

McKibben: Good evening. My name's Tom McKibben. I live on Wagon Mound Trail. I'm an employee of the Bureau of Land Management. I'm the Assistant Fire Management Officer for them. In other words, I'm the Deputy Fire Chief for about 10,000,000 acres in southwest New Mexico, responsible for the suppression of all wild land fires there. I'm also on a National Incident Management Team. I'm in the Operations section. My specialty there is Structure Protection Specialist. We respond to natural disasters nationwide. My local claim to fame: I was the Incident Commander of the Augustine Fire on the other side there by White Sands and I was the guy that shut down Highway 70 there for a while so we wouldn't burn anybody up.

But I'm not here representing the government nor the Bureau of Land Management. I'm a resident on Wagon Mound Trail. I've reviewed a lot of what Binns is proposing and I have some serious concerns. I'm not a hydrologist by any stretch of the imagination but I was lead instructor in the Wild Land Academy and in the fire academy in Florida where I was a Fire Chief and I taught water hydraulics and I

know when you take a large area like this and you start compressing the water flow you increase the velocity and if you look at the pictures of Sandhill Arroyo already we have significant erosion problems, including the new bridge on Del Rey is already experiencing damage and erosion difficulties there.

So my concerns are for the homes plus the infrastructure. We already have a retention pond there at the end of Roadrunner that's already being destroyed due to the velocity of the water coming through the arroyo. So while I wholeheartedly support Mr. Binns in cleaning up the zoning issues that are north of Settlers Pass and I actually support and appreciate and admire his wanting to create a park on the south side of Settlers Pass; due to the significant erosion and what could really turn into a major disaster due to additional erosion due to the velocity of the water what I would suggest is everything that is south of Settlers Pass through the Sandhill Arroyo let him turn that whole thing into a park, leave it natural as it is and that would probably solve that problem.

That being impossible, then I would suggest a three-to-five year hydrology study to actually track the actual water flow through the arroyo and track the damage that's being done to the Del Rey Bridge already. He mentioned that in 1975 this was laid out and I can appreciate that because a couple years before that is when I started my service in emergency services. Do you have any questions?

Scholz: Any questions for this gentleman? Okay, thank you very much. Yes, the lady in green back there. We'll get to this side in a moment.

Williams: Good evening, gentlemen. I'm Susan Williams and I also live on Columbia Avenue. Yeah, we're all concerned with that little triangle of land. I've known Mr. Binns actually for a number of years and I appreciate his willingness, again, to look at putting that park on that north side... at a minimum...R-2; but I gotta tell you... that parcel, you wouldn't believe the runoff and it's busted through every single thing they've put. It's dug 12-foot, 15-foot furrows over the years and not too very many years out of those apartments that are right there. If you really want to put a park, put a park there. You really want to know where people walk and they walk their dogs and the animals and the drainage? It's going to be so expensive to build there. I know that a lot of us are here because when we heard that Mr. Binns was considering putting high-density multi-family right in back of R-1, right on top of the arroyo, we were appalled and I applaud and appreciate the fact that you realize that that was, perhaps, a little over-ambitious. But I'd really love to see that be a park or, at a minimum, a good boundary of it a park. I think that would help with the drainage as well. Thank you very much.

Scholz: Thank you. Someone else from this side. Yes, this gentleman here.

Gross: Good evening. My name's Ron Gross. I also live back up to that arroyo on the north side and when I bought that piece of property I asked Eddie several times was anything...I felt very fortunate to get in this area early enough to be probably one of three houses along that arroyo. Nothing had developed any more than that at the time. So my wife and I, we got out back, you know, and at night we'd look down and we could see the city lights going to the west of us and daytime we could see the mountains to the east of us and that has been a serenity, I think, to everybody that arroyo...on both sides of that arroyo are houses. You know, Eddie and I kind of went back and forth that there was a big misunderstanding, that that much property the width of that property from our rockwall on our back yard to the rockwall on the other side of the arroyo was just, you know, too much property to assume that it's an arroyo. Well, we've seen water across it a foot deep in '05, I think, when we got the really big heavy rains and also I asked Eddie to the point of where I was really expecting him to say, "Ron, how many times do I have to tell you? Nothing's going to be built on that arroyo."

Now, what he's telling me now, what we've talked about is he's talking about the flood plain. I was talking about, in purchasing my home, what my view would be to the east and to the west and, assumably, that's what I understood was why I bought that property, that nothing would be built in that area. It's grown up nice. There's a lot of foliage there which also helps restrict some of the erosion that comes through there because of the trees and everything in there now, some desert willows...and also to echo another thought, too, it does, we feel, that it will devalue our properties because of the view, restricted views. As Eddie pointed out before Eagle Ridge with the $200,000 to $350,000 homes are up on the ridge and the less expensive ones will be below that ridge and that is exactly the reason: for the views. Everybody that has been in this area any length of time knows profit value really shoots up for the view of these Organ Mountains and that's exactly why we bought the properties on that arroyo. So we're just hoping that you'll consider and leaving that as an A-1 zone. Thank you.

Scholz: Thank you. All right, anyone else from this side? Yes, the gentleman in green over there.

Schroeder: Thank you for taking your time out to listen to us tonight. My name is Steve Schroeder. My wife and I bought a place at 2070 Wagon Mound next to Ron. When we had our meeting with Mr. Binns last Friday he was very congenial and open to discussion about land use on this

triangular piece of property and that then evolved into the R-2 designation rather than the R-4 that is being proposed.

Along with that I wanted to remind Mr. Binns that we also talked about a one-story height limit and maybe he'll want to respond to that so we also want not only density but limitations on building heights. One of the things that's unrelated to the zoning but will cause the neighborhood additional concern is the pedestrian system that the City wants to put down this arroyo. As a homeowner on the north side of the arroyo I'm not interested in four, five or six or ten thousand people walking past my back yard. So we're going to have to deal with the pedestrian system in this area as it evolves on this sewer line. Anyway, thank you very much.

Scholz: All right, thank you. Let's start on this side in the back. Let's do the last row first. Thank you.

Beatty: Good evening. My name is Lee Beatty and I live on Pine Needle Way off from Settlers Pass. I just wanted to make several comments. One is that we have people who walk their dogs up and down Settlers Pass and along Roadrunner right now and I can assure there's not a thousand people using it. The people that do use the arroyo for their dogs, usually there's not more than a few at a time so that doesn't seem to be a major concern.

One of the concerns that we do have, though, is that Mr. Binns has not been particularly forthcoming in finishing some of the projects that he has already started and we are concerned that if he decides to build in an area and scrape it down and then let it sit for three years, as he's done down at the Pine Estates, I believe it is. There's a whole area there that has streets and areas for buildings to go on and nothing has been built in four years.

There's a water retention pond at the corner of Roadrunner and Settlers Pass that has become a dump. There's construction waste dumped there. The channels going into the water retention pond have backed up and now there's dirt all over the sidewalks and when a place looks like a dump people use it like a dump. All along the rockwalls around this water retention pond people have dumped their yard waste from the winter kill so it looks trashy and the weeds are growing. All of the good plants were scraped out of it when the water retention pond was formed and now just noxious weeds are growing in it. You can't even walk across it without getting your feet and your clothes full of the burrs and the goat heads.

So we are just concerned that these grandiose plans are going to end up being eyesores and not finished and when the time comes the whole areas will be denuded and scraped and everyone will lose their views, everyone will lose their walking places and everyone will lose the nice things that we have there. We don't have a park but we

do have the desert and that's nice to be able to walk through. It's also good for water retention and it's also good for the animals and for the birds and we hope that it would be preserved. Thank you.

Scholz: Thank you. Yes, the lady on the end. More pictures, all righty! Thank you.

Talamantes: My name is Patricia Talamantes and I also live on Columbia. One of my main concerns, as the gentleman said, when he said when you change the zone it's changed forever. In his previous zoning or master plan he's looking at 800 to a 1000-some-odd house; in this new one he's either doubling or tripling the capacity of the people that there. My concern is with Las Cruces being on restricted water we always have to watch. I understand that Las Cruces has to grow but I'm asking you guys to be reasonable. 2,000-to-3,000 people or homes in that area and that 278 acres, I believe, is just too much. Leave it a single-family R-1 for some of the bigger areas and it'll help Las Cruces conserve the water and stuff because every summer, you guys know, we are always on water restriction so how much can Las Cruces grow before we are going to get ourselves in trouble? Thank you.

Scholz: Thank you very much. Yes, the lady in the next row here. Come on up. I haven't seen your hand, actually...

Swansbrough: Hello, my name is Bonnie Swansbrough and I've lived in the Pines off Settlers Pass for ten years now and I made a point of learning what the master plan was. I made a point of finding out if I was in any kind of danger of flooding because I have been flooded out by the 100-year flood...and I made sure of all this things before I would sign papers. I want to go from there and say the first I heard of this was two weeks ago, I think, I got a notice in the mail and am I correct, Helen Revels works for the City and advises you?

Scholz: Yes, she's sitting right there at the table as a matter of fact.

Swansbrough: Okay, well, at the time I got the first one I had a ton of questions and didn't know how to go about getting answers. I phoned her and left a message to please call me. I never got a reply. Now today she is advising you and three times during the conversation of presenting this package she answered your questions with the word, "assume, assume, assuming." Those words are not to me advice to you as Commissioners. If she's assuming it means that she doesn't know for sure and can't answer a question to you five who have to make this decision that affects so many of us here in this town for both the water conservation, for the shelter to the animals. In my particular case, I'm on Sugar Pine Way one house away from that retention center wall

that is clogging...and that is one of the ways I got to let it out; because of clogged, improper drainage that they let overgrow and flood.

The second part of my comment is to do with the high-density movement of all of this. I did not want to live in a high-dense area. I came from a very high dense...I came from Westminster, California and that is now known as Little Saigon. It went from homes that had two people or four, a family, normal American family, to 12-to-15 people per house; where they paved over all their lawns to park cars; where people could no longer get around the streets are so packed. The city impact on infrastructure was enormous.

What I see in this, if I read it rightly, because, frankly, the last two pages of our maps are completely illegible. They're so small a print and I'm nearsighted and can read lawyers' print and could not read a thing on the maps. Without at least this much I wouldn't have known quite what he was talking about that he wanted to do other than he's rezoning to make it high-density.

And from my personal feeling is with the water issues and the risk of flooding we have and having been locked out of my home because of flooding on Del Rey in 2005, I have a vested interest in not rerouting more and more water down to and creating the erosion. So, I would ask that until these roads are in and we have seriously looked...I don't care if it's just rezoning. We gotta live with it. It isn't what I agreed to when I bought my property and I want you think about that before you change it all over to a completely different environment. Thank you.

Scholz: Thank you. Okay, the gentleman in the blue shirt?

Foster: Hello. My name is Bill Foster. I am a resident at Stonegate and, as was mentioned earlier, along with the clearing of the property on Roadrunner and Settlers Pass it was mentioned that there was thirty units at the Stonegate. I believe there's actually nine. I'm one of them so we have all that land that's up there vacated and also starting to erode because there's no building on there or very little to stop the wind and the dust from collecting.

Along with that, the lighting in the neighborhood that we were told was that we were going to have some lighting up there...there's very little light up there on that road and the proposed park that he wants to put in...I actually talked to Mr. Binns and I was really glad to hear about the park; but then coming here tonight and hearing that you are going to do a lot of developing and then after the development we are going to put the roads in.

Well, the traffic between Rinconada now and where Stonegate is cars go through there at 50-60-miles-an-hour and you can hear them losing control, get lost off in the desert. I personally help people get out of there real close that were stuck in the desert...and to have a

park on there and think about the road construction following any kind of construction, you know, what does that look like along of that road with children or anyone else at that's down there at the park? So, you know, it's already vacated and said that it was going to happen. I think we need to start focusing on that a little bit and just making sure that that park area is going to be a safe place for families and kids. Thank you.

Scholz: Thank you. Someone else? Yes, ma'am.

Reynolds: Good evening, Commissioners. My name is Carol Reynolds. I live at 2048 Pine Needle Way and I'm concerned about the situation that has occurred in the city already where I don't feel we've had adequate planning for the development that's occurred. We're talking here about 3,000 to 4,000 units, I understand? This plan talks about in the case Z2814 you're actually converting about 80% of 120 acres from Rural Agriculture to Commercial, Low-Intensity or R-4 Multi-Dwelling. There're tremendous changes in the zoning that are being considered here without adequate consideration in advance of this of roads, sewer, drainage and we have been the victims of this kind of piecemeal planning in the past. It took an Obama fund for us to get proper road on Del Rey so that we would not be flooded. What is being talked about here is what we hoped wouldn't be happening in the future where a section of property is scraped, partially developed and then there's a piece of road and then, maybe, there'll be another piece of road. What I think we would like to see is a comprehensive analysis of what all of this would mean for the traffic; how this is actually going to be, in a systematic way, developed to manage the traffic, the drainage, the sewer issues. These are very serious concerns.

I came from a city called Denver which, when I first moved there, was a town that was going through some of these vast changes and we had a motto: Imagine a great city. And I think we need a motto for Las Cruces: Imagine a terrific town; because we have got to be more thoughtful about how we develop and plan the city and this presentation *(inaudible- away from microphone)* confirms our the worst fears in this regard because there is a presentation that is presented up here and then there are comments, "Well, we'll probably do this; we'll probably do that." We want to know what is going to happen to our neighborhoods. Thank you.

Scholz: Thank you. Okay, anyone else from the public wish to speak to this? Yes, sir. Go ahead.

Gordonairre: Good evening. My name is Richard R. Gordonairre. I live up at the end here of Settlers Pass. I think listening to all the people back here

and the comments made I think that more study has to be done before a decision is made tonight.

Scholz: Okay. That's all you have to say?

Gordonairre: Well, like I say; I was here last month, the meeting was cancelled. I'm here again so I think before you take a vote...

Scholz: Okay, thank you very much.

Gordonairre: Thank you.

Scholz: All right, I am going to close it to public input and we'll discuss among our selves here. Commissioner Beard?

Beard: It seems that erosion and the high-density increase of population are the two main factors that are being voiced tonight and I wonder why the arroyo, which is now A-2, wasn't zoned something differently by the City when this was all plotted out and now that we do want to change it. At the very minimum I would like to see a Flood Control Map. FEMA made some changes about a year ago and I would really like to see that map of what is a flood control and what isn't. That A-2, what is A-2 right now, seems to be the heart of most of the problems here tonight. First, it's the erosion and then secondly there's a high-density residential proposed development and that area, to me, is really quite a concern: why we really want to change that from A-2. Without, I guess, further investigation I would be opposed to changing A-2.

Scholz: Okay...

Beard: Well, I'm looking at A-2 also.

(inaudible voices from the audience)

Scholz: You're talking about Tract N on the zoning map...the south side of the central arroyo.

Beard: What's on the monitor right now is in green.

Revels: Commissioner Beard, the triangular-shaped portion here is A-1 and the larger portion here is all A-2.

Beard: A-2? Well, I definitely have a problem with A-1; but A-2 seems to be a problem, too.

Scholz: All right, some additional discussion. Commissioner Crane.

Crane: Three points: the people who've spoken and also written to the City about this, as I mentioned before, seem mostly concerned about the flood situation and the building out of the major highways around this development. I see the flood problems but I can't believe Mr. Binns would be so foolish as to build anything and try to sell it if the infrastructure and, in fact, the whole topography of the lots wasn't adjusted in some such way as to avoid the possibility of flooding. It just wouldn't be a sensible thing for him to do and he seems to be a sensible man, though I've never met him personally. Surely the City can require structures to be built in flood zones in such a way that they will not be washed out.

Regarding the road access, surely the City can require that the roads be built, that Roadrunner be completed and there's two sections to cover the space between the A-1 and the A-2 zoning and Settlers Pass can be run across before there's further development.

Finally, I'm very puzzled by the fact that this proposed development which, I'll take a guess, is about a mile square, more really about a half-mile square, is surrounded by other developments. At least 50% of the land around there seems to be developed as housing or commercial. Yet virtually everybody who spoke leaves me with the impression that they don't want to see this half-mile square developed at all. The concerns haven't been confined to flooding concerns and highway access concerns. The people seem to want Mr. Binns to basically give up the right to develop the land that he bought. I am not sure we can ask him to do that. Thank you.

Stowe: All right. Commissioner Evans.

Evans: Yes, Chairman Scholz. So I think that there may be some misunderstanding and I'm not actually clear on this also so maybe staff or the developer could help me understand this and could help the folks out there in the audience understand it also. But there's an official copy of the flood plain and that flood plain, to me, restricts you from building in that flood plain. I know we've talked a lot about this but there's a process that Mr. Binns is going to have to comply to, and those aren't just his standards and what he would like to do but those are...I'm sure there're City and State, you know, regulations that are going to force him into compliance. I don't think we've really talked about that process and that there is a process that Mr. Binns is going to have to comply to in the development of that piece of property.

Revels: There is what is called a CLOMR and a LOMR process through FEMA.

Evans: Right.

Revels: It's a Conditional Letter of Map Revision and a Letter of Map Revision and those documents would perhaps be required when he goes to develop it. That is determined by the Public Works Department. The items that they're really talking about like the Drainage Report and the TIA, those are documents that are required when you are in the development stage, when you are trying to subdivide the piece of property actually into development. What we are doing today is we are asking to put zoning in place for a proposed plan to develop in the future.

Evans: Okay. So I caught that. I don't know if everybody else caught that. So we're gonna...what they're asking us to do is rezone it and then, given that zoning, go back during the planning portion of it, do the analysis and comply with the other regulatory requirements for building in that area.

Revels: That's correct. When an application is submitted for a preliminary plat process Public Works is going to require a Drainage Report, Traffic's going to require a TIA, there're going to be certain documents that are going to be required through that process and staff will review it. It will have to come back to Planning and Zoning for approval.

Evans: Right. Okay. One other issue: so looking at this map and I see a large development, obviously, there's some R-4 and a mishmash, but at the end of the day to gain access to those areas there has to be at least...I'm not sure...we'll have to see what the plan comes out to and what the traffic engineers say once those parcels are proposed to be developed. But Roadrunner...some portion needs to be...I mean, there's not any roads there. There's not any infrastructure there, I mean, to say that there's any way that they're going to be able to develop this in the near future...I mean, it's just not going to happen unless there is some substantial improvement in the infrastructure so I don't believe that Mr. Binns is going to be able to develop this portion which is the further south of this parcel just because there're no roads or anything going to it.

To get approval to do that it would have to come before this Committee again on two additional times to get approval for that and in which in the process there would be notifications and you all could come back and restate your positions. So anyway, I just wanted to clarify that to make sure that we all...just because we approve the zoning change and we approve the master plan doesn't mean that the development's going to happen tomorrow because there's a long process associated with the planning.

Scholz: All right. Commissioner Stowe, do you have a comment?

Stowe: No.

Scholz: I wanted to make comment on that in terms of the planning of the city. Several people mentioned this that we have had some problems in the past. One of the things that the Community Development people have tried to do was encourage development within the boundaries of the city instead of having land annexed outside the city and further extending the city limits and I think you mentioned, Mr. Evans, that this is an area that is surrounded by development. Is that right?

Evans: That was Commissioner Crane.

Scholz: I'm sorry. Commissioner Crane, you mentioned that. Yeah, that's true. So I would think of this as...well, I wouldn't call this Infill, but that's essentially what we're doing. We are talking about rezoning an area that is within the city that already is surrounded by residential and, in some cases, a small amount of commercial development and I think that makes more sense than, you know, people building or people suggesting that we build outside the city limits and then asking for annexing. Anyway, that's my opinion on this. All right, is there any additional discussion? Commissioner Beard, you're raring to go here.

Beard: Well, I'm not necessarily wanting to develop every piece of acre in the city limits. I think there should be some wild acreage and maybe this is one of them where we just leave it the way it is, at least the Agricultural A-1...and I just think it's like having a park down in New York City. They're not going to build there. This is a place where people can go within the city. I'm not saying that all of it would have to stay A-1 but right now, based on the data that I have...A-2, I think it is. Excuse me.

Scholz: A-2, yes.

Beard: That A-2 may just stay A-2 until we see some further flood maps that we can make a better decision or maybe another design layout for how the housing is done. Now I do notice that as you go to the east, that arroyo...I mean, it came from the east...it's going the other direction and it's fairly narrow after you get out of this area here as you go east so they have somehow taken care of that problem. Maybe they are not taking care of the problem but at they have built up to the arroyo. Yeah, it's F-C and A-1 in the blue area and maybe that's all the area that you need. I don't know. But having some undeveloped areas in the city is not a bad thing.

Scholz: Um-hmm. Okay, thank you. All right, any additional discussion, gentlemen?

Evans: I have one other question. You know, we talked about converting the 7.168 acres that butted up against the existing R-1 and I guess there is a parcel there that's R-4; but there was a discussion of assuring that it doesn't go to R-4 but to R-2. Has that change already been made in our package in the way...

Scholz: Mr. Ochoa is shaking his head there. Would you restate the question for Ms. Revels, please?

Evans: Is the R-4 to R-1 already stated in the package in the way we would be voting tonight or does that need to be a condition?

Revels: Are you talking about the A-1 here?

Evans: Yes. Yes, I am.

(several people speaking – cannot transcribe)

Scholz: And our zoning map and so *(inaudible)*

Revels: The A-1 to R-2 that Mr. Binns proposed?

Evans: Yes.

Revels: No, it's not in our packet. We would have to add that as a condition.

Evans: And there was some discussion of a meeting that took place where we were going to add another condition of one-story height limit. Was that discussed and agreed upon in the....

Revels: I will defer to Mr. Binns because I was not at that neighborhood meeting.

Binns: My name's Eddie Binns and there was discussion at the neighborhood meeting of trying to hold that in height to some given number, i.e. a single-story; but you can have single-stories with some high ceilings which are just as high as a two-story. So I didn't want to leave someone to say, "Hey, we're going to have a single story but they're going to be as high as two-stories." So that I was very careful in trying to say, "Fix a height in there of 10-foot, 12-foot, 20-feet, or whatever." I am flexible on that tract from day one and since you asked me to stand up I put that tract back on the map and once you look at this map you can see that this tract is totally out of the flood plain; elevation–wise, drainage-wise and everything else. It is not in the flood plain. But in order to appease the neighbors to the fourth side I told them that I would consider and agree to a single-story on that with an R-2 zoning

which would let me do something similar to what I did in the Pines Subdivision.

Scholz: Okay, and we can make that a condition.

Evans: So that needs to be a condition and so I agree with you. If we limit it to a single-story that opens the door for 40-foot ceilings so do you have a maximum height limitation that you're proposing.

Binns: I haven't given one under consideration. You can reach up in the air and say, "20-feet." It's an arbitrary number.

Evans: Well, I mean, if we're going to make a condition we need to stipulate that and so I would advocate to add an additional recommendation or condition of a single-story height limit to include a 20-foot maximum building height and a conversion from R-4 to R-2.

Scholz: Okay, and you want to make that a condition? Okay, so you are amending the conditions.

Evans: Yes.

Scholz: Okay, can I have Legal's opinion on this? How do we handle it?

Binns: You asked me to come up there...can I add one more comment, gentlemen?

Scholz: Sure.

Binns: In your packet there is a map I don't know whether you have seen but this plat shows...

Scholz: Yes, we have that.

Binns: ...the flood plain over the area you are concerned with. This is an overlay of the FEMA map showing the 100-year, 500-year flood plain and so it is identified on the documents that we furnished you so that it is very obvious where the flood plain is relative to the various pieces we're having zoned.

Scholz: Okay. Thank you.

Abrams: Jared Abrams, City Legal. I just think it's cleaner to make a motion to modify the main motion first but since Mr. Binns has indicated that he obviously doesn't object then it's probably, strictly speaking, not necessary.

Scholz: Okay, so we can simply add it as a condition.

Abrams: *(inaudible)*

Scholz: Okay, thanks.

Crane: Which zoning tract is that?

Scholz: The zoning tract is Tract R.

Revels: It's zoning Tract R, Planning Parcel Piece 16 and instead of rezoning from A-1 to R-4 we are going to be rezoning from A-1 to R-2; and R-2 is Multi-Family Low-Density allowing fifteen dwelling units per acre and we're conditioning that to a single-story product with a maximum height of 20-feet.

Scholz: Yes.

Revels: Also, I need to know if you're going to add the condition: are we going to decide final action on the master plan or are we going to decide that they need to go forward to City Council with the zone change?

Scholz: Well, that's up to the Commissioners. Commissioners, what do you think? If we pass this we can approve the master plan and then all City Council would have to do would be approve the zone change or deny the zone change. We can't do that on the zone change. We can only do that on the master plan; that's within our parameters. Or we can send the whole package with the master plan and the zone change to City Council and have them decide, make the final decision. We've done it both ways different times.

Crane: It seems (*inaudible- several people speaking*) to package them. Isn't that what we've done most of the time before?

Scholz: I'm sorry sir, I didn't hear you.

Crane: We generally have sent them up together, suspended the rules and...

Scholz: I think we did in the most recent instance, yes.

Crane: So I suggest we do that.

Scholz: All right. Is that agreeable with the rest of the Commissioners? Any problems with that? No, everyone is nodding their head. So, yes, as a

final condition we will send the master plan to City Council for approval along with the zone changes, if in fact, we approve it tonight.

Revels: Chairman Scholz, just go ahead and add that as one of the conditions for the approval of the master plan and zone change request and also, before you guys make a motion we go ahead and suspend the rules so that you can vote on these items separately.

Scholz: Yes. I was intending to do that. Okay, I'll entertain a motion to suspend the rules.

Crane: So moved.

Scholz: Is there a second?

Stowe: Second.

Scholz: That was Crane moved and Stowe seconded. All those in favor of us suspending the rules say aye.

All: Aye.

Scholz: Those opposed same sign. All right, the rules are suspended. Now we can vote on these separately. I'll entertain a motion to approve case S-09-053?

Crane: So moved.

Scholz: Okay, Crane moves. Is there a second?

Evans: I second.

Scholz: And Evans seconds.

Weir: Mr. Chairman, could I ask a point of order?

Scholz: Yes.

Weir: David Weir, Community Development Department. If you are going to bring those cases forward to City Council together I would recommend that you make that as a recommendation on the master plan, whether you are recommending approval or denial. The way you have the motion stated right now is you would be approving the master plan and the master plan would be approved tonight if you had the four votes and then the zone change would just go to Council. So I think you need to change your motion to recommend approval of the master plan

and have it decided by City Council if you want both these cases handled that direction.

Scholz: Thank you, sir. All right, let's re-do that. Commissioner Crane.

Crane: I will withdraw my original motion and reword it that ...

Scholz: Move to recommend...

Crane: ...that we recommend to the City Council approval of case S-09-053, the master plan for Rancho Del Rey.

Scholz: Okay, is there a second for that?

Evans: I second.

Scholz: So again Crane moved and Evans seconded that we recommend this to City Council for approval. All right, I'll call the role. Commissioner Crane.

Crane: Aye findings and discussion.

Scholz: Commissioner Stowe.

Stowe: Aye findings, discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings, discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And the Chair votes aye findings, discussion and site visit. The second item then is case Z2814...

Revels: Commissioner Scholz, could I interrupt a second? I just wanted to clarify that we are recommending approval with the six conditions that I read into the record earlier plus the additional condition for the Tract R.

Scholz: Yes.

Revels: Okay.

Scholz: Yes, that was understood. All right, for the zone changes...I'll entertain a motion to approve.

Beard: So moved.

Scholz: All right, Beard moves. Is there a second?

Evans: Just for clarification do we need to add the R-4 to R-1 with the height limitations?

Revels: R-4 to R-2.

Evans: R-4 to R-2 with ...

Revels: Well, it's actually A-1 to R-2 because we were proposing A-1 to R-4.

Evans: That's true. So, can we just say I seconded with...

Revels: An additional condition...

Evans: ...the conditions as stated from A-1 to R-2 ...

(several people speaking)

Revels: Yeah, identifying Tract R, Planning Parcel P16 from A-1 to R-2 with the height limitation of 20-feet and single-story product.

Evans: ...20-feet...single-story...

Scholz: Mr. Weir, is there a problem there?

Weir: I believe the original "motioner" needs to amend the motion and then it be seconded.

Scholz: Okay, Commissioner Beard, would you amend the motion?

Beard: So moved? *(all laughing)*

Scholz: No.

Evans: Chairman Scholz, I move that we approve Z2814 with the following conditions that it be the zoning for Parcel A-1 go from A-1 zoning to R-2...

Scholz: R-4 zoning to R-2.

Revels: For zoning Tract R.

Evans: For zoning Tract R with a maximum building height of 20-foot and single-story.

Revels: And along with the six conditions that I read into the record.

Scholz: Yes, along with the six conditions...

Evans: Along with the six conditions, right.

Scholz: ...that have been previously read into the record. All right, is there a second for that?

Beard: Second.

Scholz: That you, Commissioner Beard. All right, I'll call the role. Commissioner Crane.

Crane: Aye findings and discussion.

Scholz: Commissioner Stowe.

Stowe: Aye findings, discussion and site visit.

Scholz: Commissioner Evans.

Evans: Aye findings and discussion.

Scholz: Commissioner Beard.

Beard: Aye findings and discussions.

Scholz: And I vote aye findings, discussion and site visit. All right. So that's sent to City Council with our recommendation for approval.

VII. OTHER BUSINESS

Scholz: Our last piece of business is other business. Do we have any other business? Mr. Ochoa.

Ochoa: No, Mr. Chair, nothing tonight.

Scholz: We are going to have a Special Meeting of Planning and Zoning on the 8th of September. Is that correct?

Date: August 16, 2011

To: Helen Revels

Associate Planner

Fr: Rudy Navarro

Home Owner

Re: Case Z 2814/5-09-053

As a tax payer and property owner in the Settler's Ridge subdivision, I am against granting a zone change at this time until Roadrunner Parkway is connected to the existing Roadrunner at Highway 70. Any more residential building in this area would create heavy, unsafe and dangerous traffic. Today, Settler's Pass has a heavy amount of traffic due to its extension to Rinconada. This extension has also not been completed creating an unsafe roadway. I strongly feel that Roadrunner Parkway as well as Settler's Pass extension has to be completed before any zone changes are granted.

We urge the city counselors and planning & zoning commission to seriously review these issues before granting any approval of zoning changes at this time. On behalf of the people on Settler's Ridge, our safety and quality of life will be affected greatly if the zoning is granted without the changes that need to be done to the roads previously mentioned.

Rudy Navarro
8/17/2011

8-19-2011

Planning & Zoning Commission:

In re: Tract R 7.806+ acres

Please be advised that this parcel of land proposed for rezoning from A-1 (Flood Control) to R4 is a huge lapse of good judgement because:

All water runoff from 4 Streets - Lunarridge, Columbia, Solarridge + Highridge - all run into to arroyo at the Lunarridge point - This is a flood area and turned into a swift flowing riverlet in the Storm of Aug. 2006! I live at this juncture and this flood zone is not suitable for building anything!

Sincerely,

Cynthia L. Young

Cynthia L. Young

3407 Lunarridge St.
Las Cruces, NM 88012-7773

Laura Kobett
2189 Sugar Pine Way
Las Cruces NM 88012
575.522.2906

Date: August 19, 2011
To: City of Las Cruces Zoning and Planning Commission
Re: August 23, 2011 public hearing on case Z2814 and S-09-053

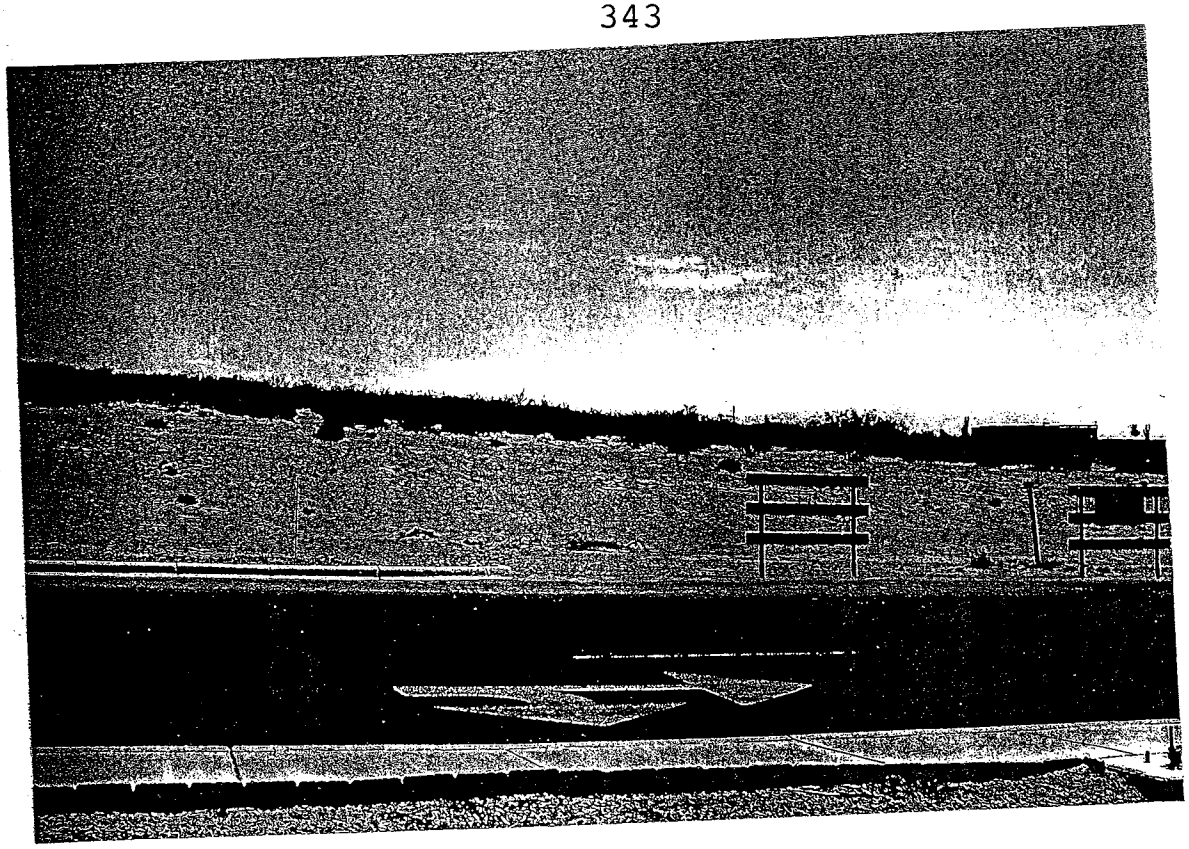
I invite the members of the Zoning and Planning Commission to drive by my house on the western corner of Roadrunner and Sugar Pine (see photos enclosed). The vegetation across the street was stripped by Binns to make way for new building - years ago. Not only has my yard turned into a sand dune, but my neighborhood has turned into a playground for ATV's roaring up and down the dirt at all hours of the day and night.

Binns Construction doesn't deserve to be approved for any further building until they fill up the land they have already destroyed, and take responsibility for cleaning up the mess they have made in the neighborhood. If they can't be bothered with planting the vegetation they destroyed (I believe they were required to do that, but didn't, and the City of Las Cruces never did their job in enforcing it) - then they should pay for walls around the front yards that have been damaged by their negligence.

There is nothing in the past conduct of Binns' Construction to indicate that any future development would include adequate infrastructure, or responsible action in cleaning up their messes. Either the City of Las Cruces needs to take responsibility for babysitting these people, or to grow a spine and tell them "no."

Sincerely,

Laura Kobett



L. Kobett 2189 Sugar Pine Way Re: Z 2814 and 5-09-053

Re: Z2914 and S-09-058

Helen Revels 345

From: ck [sera@zianet.com]
Sent: Tuesday, August 23, 2011 12:55 AM
To: Helen Revels
Subject: Re: Rezoning District 5

Greetings,

I am attaching a letter I hope to read and make available to the important people in attendance at the meeting for Dist. 5 rezoning.

Constance Krueger

2479 Columbia Ave.

Las Cruces, NM 88012

8-22-11

Helen Revels

PO Box 20000

Las Cruces, NM 88004

Re: Rezoning in District 5

Greetings:

My residence is greatly impacted by the rezoning and I am writing in protest to the area that is scheduled for rezoning.

Firstly, the map in the posting that was sent out in the mail was very difficult to read and it is my opinion, one needed a magnifying glass and a PhD. For those who are impaired it was probably illegible. Some accomdodation needed to be made regarding the information contained therin. It was only today that the map that was put on my door clearly reflected the areas impacted and I am greatly concerned.

My personal experience with Mr. Binns and his land has been most agonizing. I spent the better part of the year dealing with the City Codes enforcement people and Mr. Binns regarding a BMX track that was beginning to encroach on my property. I believe it important to relate this because both the City and Mr. Binns were insensitive.

a. My neighbors child and his friends constructed a BMX track on Mr. Binns' property without his knowledge or a permit and I understand that to construct without a permit is a violation of the law. This is tantamount to me building a one-hole golf course across the fence and watering it as much as I want to just because I want one. If I have to get a permit it costs me some money. I don't think that has happened with my neighbors. Why were they not fined?

b. The people constructing the track use 'open hose' watering whenever they are there and at work. If I did that, I'd be fined, probably $225.00.

c. Noise disturbance and invasion of privacy. I experienced bodies flying above the fence and this would have continued had I not gone to great pains to stem this. Noise disturbance also carries a big fine. I'd be fined if I did that.

d. Mr. Binns said that 'they (the BMXers) could be up to much worse'. I don't think he is the one to decide what is best or worst. I know I experienced great grief and agony over this intrusion of privacy and what I

consider to be a devaluation of MY property.

e. The City did not fine these individuals. I complained and I have it all logged and saved on my computer. So, there were violations and the City officials (for whom I pay to take care of us all) did not press charges. The City, in my opinion, is guilty for not issuing codes enforcement fines when they were applicable.

The rezoning will impact the Marsh Hawk, Great Horned Owl (whose residency is 1 mile radius), Spadefoot Toad and newly migrating birds whose habitat has been disturbed by.....urban development and all it brings with it. It is possible the Willow Flycatcher is in the neighborhood; this would need an Audubon person to authenticate. Perhaps Mr. Binns should consider selling his land to the Nature Conservancy or the like. They would probably buy it just to perserve the flora and fauna or maybe he could donate it.

Flooding is a major issue. The rains are one thing but the 4 Hills Subdivision is notorious for water breaks in the street all year long. If you check the spots in the road you can tell how many breaks there have been. The City has such records and knows there is a major problem with the water lines here. There's a lot of 'overtime work' in repairing the breaks. There was much expensive construction on the arroyo on Del Rey Blvd. last year. The flood zone needs to be protected for all residents and has not been well explained to the people. More information needs to be provided to the public since this is where we habitate.

Mr. Binns owns land that is already denuded and appears like he was going to construct when the bottom fell out of the economy. Nothing is going to grow on that land. If he needs to build, maybe he could be there.

We don't NEED any more businesses in the neighborhood and does this city or world need more housing when the market is forcasting that it is going to be even worse next year? All businesses are within 5 minutes driving time. If anything, we need more accessible City transportation. It is clear by the proposed rezoning map that Mr. Binns does not have the resident people nor the plants nor the animals in mind when he proposes this change. I do hope he will consider those he will effect.

I am concerned with the devaluation of my property. It is already devalued with the BMX track. Mr. Binns couldn't sell one of his properties with such an existing thing. He wouldn't want it in back of his house.

I am not happy with the way the City responded to the park that was built in this subdivision a few years ago. The residents were all against it and the City was unresponsive and built it anyway. At one meeting with the City Manager and Council People, I heard of people living by the park who had witnessed rapes, violence and all kinds of disturbances. This brings up the issue of the City and it's planning. I don't think we're on a par with Albuquerque. This city does not have quiet areas of nature and beauty and the native landscape. This is where Mr. Binns could make a significant impact and so could the City Planning Board. Think of where else, in the city you can walk in a lovely, lush arroyo with the abundance of nature all around and you are pretty safe!

You don't get that in a lot of parks in this town. I know I was threatened in a park in this city in broad daylight at noon.

I am also reminded of the building of the Apartment complex behind Highridge Ave. I remember the residents protesting and one woman was in tears and they sold their home because of it. That's not too likely these days with the economy as it is. The market was good then to sell, now it is not. A seller is at a disadvantage already just because of the state of the economy in this country. That puts all of us at another added disadvantage, if Mr. Binns and the City decide that capitalization and the furtherment of business is more important than the residents: people, animals, plants and the stars.

I am opposed to what is proposed.

Sincerely,

Constance Krueger

6 Farmer Street
Canton, New York 13617
June 24, 2011

Planning and Zoning Commission
Attention: Helen Revels, Associate Planner
P.O. Box 20000
Las Cruces
New Mexico 88004-9002

Re: Case S-09-053
Dear Ms Revels

My wife and I own a home at 4044 Pine Needle Bend. The house was built by Mr. Binns' company, and we have been quite satisfied with our investment. However we do feel that Mr. Binns should be held responsible for the dust problem he created by removing the ground cover from such a large amount of the land in our area that has remain undeveloped.

From a preliminary review of the zoning changes being requested it appears that the population density may be increased in this area. If this is the case we would like to go on the record, that we oppose the requested change for the following reasons.

The increase in population density and heavier traffic will make it more difficult to enter and leave the "Pines" area.

The proposed zoning change should not be considered until:

FIRST: The Roadrunner Arterial is completed.

SECOND: The extension of Settlers Pass is brought to Final City Specifications.

We are aware that the fiscal responsibility for both of these items has not been established, but this question should be settled and construction completed before any additional building is allowed.

Sincerely,

Thomas M. Dalton

Thomas M. Dalton

Joan S. Dalton

Joan S. Dalton.

P.O. Box 560
Vado Ana NM 88032
June 24, 2011
Residence:
4320 Cobre Ct.
Las Cruces, 88012

Att:

Helen Revels,

Regarding your recent notice of June 15, 2011. Re: Case Z 2814:

I have one question? Will the City guarantee completion & use of the proposed connection of Roadrunner, near Settlers Pass, creating a principal arterial? If not this request should be denied

This zoning change would create serious & dangerous additional traffic. Anyone, including the Zoning Dept., & the Developer should be aware of this.

Sincerely
Lois A Boss
373-9399

Helen Revels 350

From: pbj02@q.com
Sent: Sunday, August 21, 2011 8:34 PM
To: Helen Revels
Subject: Cases Z2814 and S-09-053
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Public Notice Response.doc; Four Hills Drainage Map0001.pdf; IMG_0113.JPG; IMG_0114.JPG; IMG_0117.JPG; IMG_0116.JPG

Helen Revels,

Attached, you will find our comments and photos for the Zoning Commission. Please forward this to them for the Meeting on Tuesday, August 23rd.

Thank You,

Brad & Jennifer Poore

--

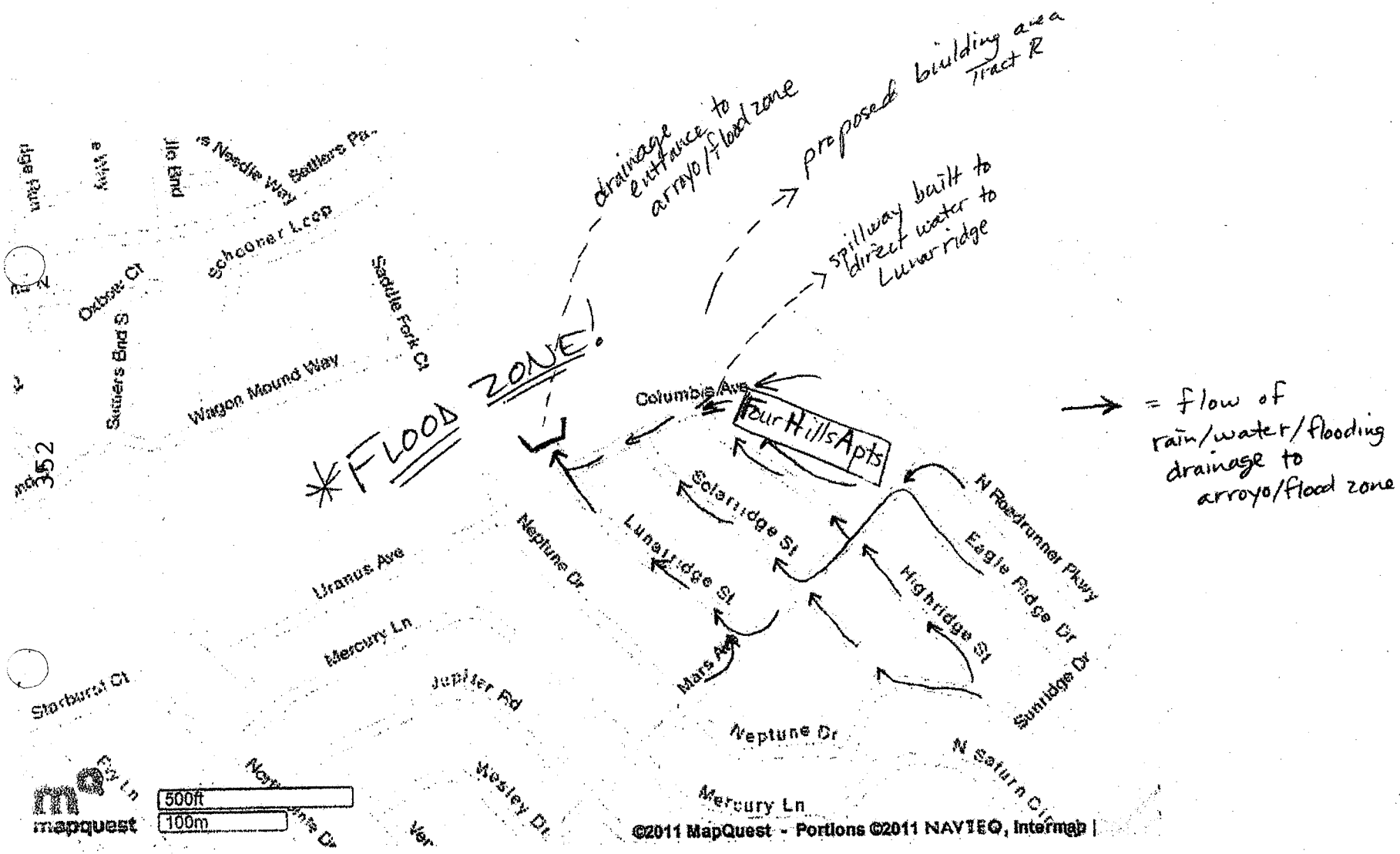
Dear Planning and Zoning Commission Members,

I am responding to the recent Public Notice that the City of Las Cruces sent out to property owners in Council District 5. There is only one part of the proposal that I am concerned with, and that is the proposed zone change of *"Tract R, 7.806+/-acres, from A-1 (Flood Control) to R-4 (Multi-Dwelling High Density & Limited Retail and Office)"* under the multiple zone change application, Case Z2814 and S-09-053. **The proposal and maps do NOT accurately depict the water drainage and flood control issues in the area marked Tract R/ P 16.**

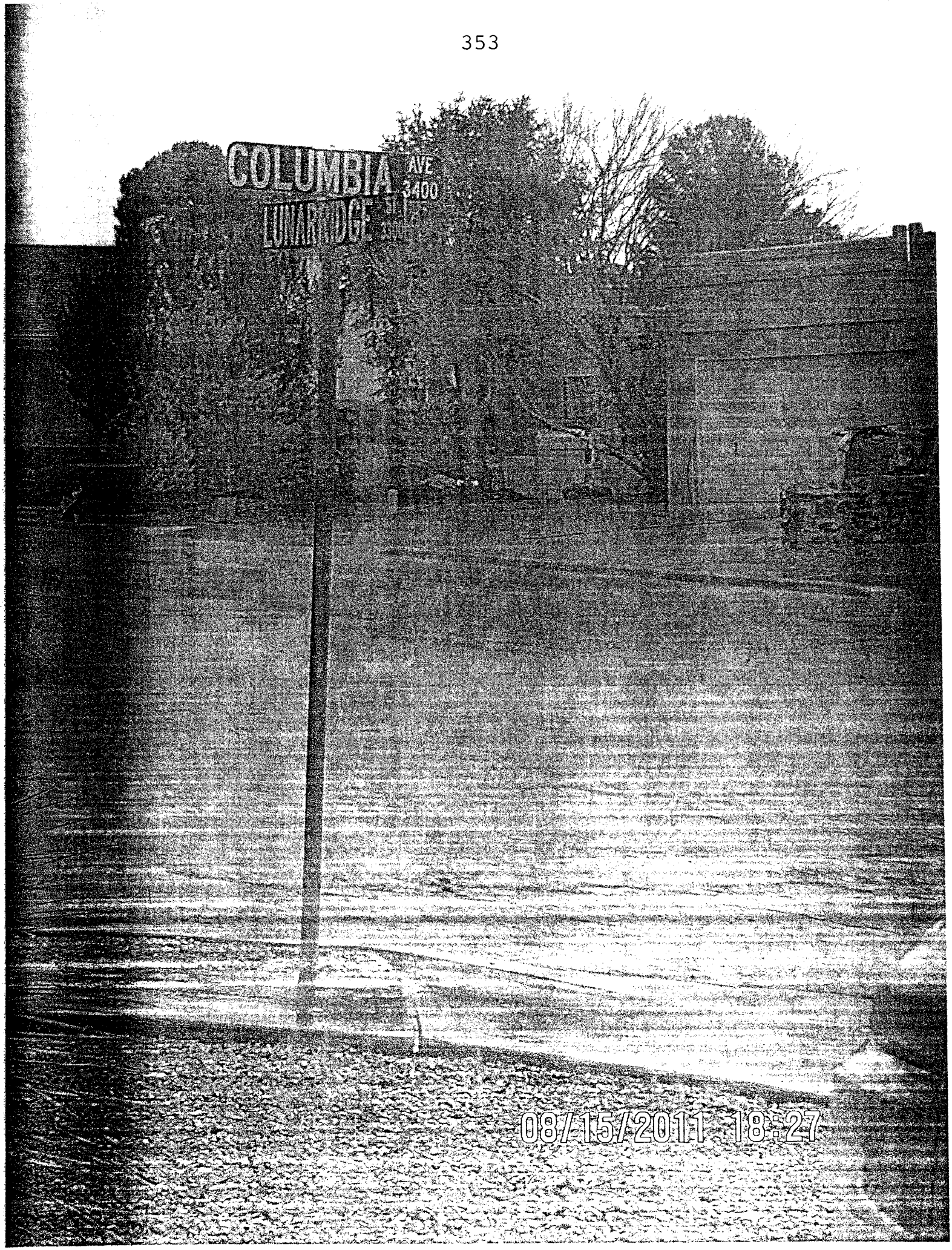
I am a resident in the Four Hills Neighborhood. Living there for the past several years, I have seen **FIRST HAND** what happens to the Flood Control Zone marked Tract R/P 16 in the proposal. Each year when it rains, the area (marked Tract R in the proposal) floods. Drainage from multiple streets (Columbia, Lunarridge, Solarridge, Highridge, Mars, etc.) converges at the end of Lunarridge and spills into Tract R. In fact, when The Four Hills Apartments on Mars were built (which was approximately 5-6 years ago) a drain or spillway was built to route flood water from behind the apartments, down on to Highridge, and then down Columbia and on to Lunarridge, to drain into the Flood Control Zone. This added even more water to the already existing flow that empties into the area marked Tract R on the proposal. That is *precisely* why this area is a Flood Control Zone! Each year, the converging water overflows curbs and washes away landscaping on several properties. This water rushes into Tract R, where it joins more rushing water from the East end of the Flood Control Zone and creates a turbulent current. Twice, in previous years, the City of Las Cruces has had to address erosion issues caused by flooding in the Tract R area. Once, the City placed large concrete blocks into the Flood Control Zone, and another time, they dumped large rocks and dirt into the Flood Control Zone – both times were to prevent further erosion and damage to the area. A few years ago, some neighbors and I had to help some young kids who had become stranded out in the middle of the Flood Zone in a strong current. Ropes were thrown to them to bring them back to safety. Each year, this Flood Control Zone truly is a FLOOD!
The reason I bring up these issues is because I cannot believe that someone is proposing to have part of this Flood Zone changed into housing! They obviously have not seen what happens year after year in *this area* when it rains. Where is the yearly flooding supposed to go? Already, local homes are impacted by the amount of drainage, and to take away part of the Flood Zone would only divert that water to MORE homes. Flood zone areas in El Paso were changed to housing and commercial zones. Rain fell, and tragic and drastic damages followed. It has taken El Paso YEARS to rebuild those areas. Why do people think they can outsmart Nature? This area, marked Tract R, is a Flood Zone for a **reason**, and to change that will not only have drastic effects on neighborhood homes … it is DANGEROUS!

I am not opposed to development … or the proposed plan in general. I am simply opposed to one part of this plan, and that is to change a current flood/drainage area into housing. I sincerely ask that the Committee not allow any of the Flood Control Zone to be changed. Thank you for your time and attention in this matter.

Sincerely,
Bradley G. Poore
(575) 382-4351
*Attached are pictures and a map. The map ACCURATELY shows the drainage in this area … and the pictures show what occurs after a MILD rain shower.



drainage entrance to arroyo/flood zone
proposed building area Tract R
spillway built to direct water to Lunar ridge
*FLOOD ZONE!
Four Hills Apts
= flow of rain/water/flooding drainage to arroyo/flood zone
Columbia Ave
Solarridge St
Lunarridge St
Highridge St
Eagle Ridge Dr
N Roadrunner Pkwy
Sunridge Dr
Mars Ave
Neptune Dr
Uranus Ave
Mercury Ln
Jupiter Rd
Wesley Dr
Starburst Ct
Oxbow Ct
Settlers Bnd S
Wagon Mound Way
Saddle Fork Ct
Schooner Loop
Settlers Pa
Needle Way
N Saturn Cir
Fry Ln
500ft
100m
mapquest
©2011 MapQuest - Portions ©2011 NAVTEQ, Intermap


COLUMBIA AVE
3400
LUNA RIDGE
08/15/2011 18:27

08/15/2011 18:27

08/15/2011 18:32

08/15/2011 18:32

Helen Revels 357 Rancho Del Rey

From: ck [sera@zianet.com]
Sent: Tuesday, August 23, 2011 12:55 AM
To: Helen Revels
Subject: Re: Rezoning District 5

Greetings,

I am attaching a letter I hope to read and make available to the important people in attendance at the meeting for Dist. 5 rezoning.

Constance Krueger

2479 Columbia Ave.

Las Cruces, NM 88012

8-22-11

Helen Revels

PO Box 20000

Las Cruces, NM 88004

Re: Rezoning in District 5

Greetings:

My residence is greatly impacted by the rezoning and I am writing in protest to the area that is scheduled for rezoning.

Firstly, the map in the posting that was sent out in the mail was very difficult to read and it is my opinion, one needed a magnifying glass and a PhD. For those who are impaired it was probably illegible. Some accomdodation needed to be made regarding the information contained therin. It was only today that the map that was put on my door clearly reflected the areas impacted and I am greatly concerned.

My personal experience with Mr. Binns and his land has been most agonizing. I spent the better part of the year dealing with the City Codes enforcement people and Mr. Binns regarding a BMX track that was beginning to encroach on my property. I believe it important to relate this because both the City and Mr. Binns were insensitive.

a. My neighbors child and his friends constructed a BMX track on Mr. Binns' property without his knowledge or a permit and I understand that to construct without a permit is a violation of the law. This is tantamount to me building a one-hole golf course across the fence and watering it as much as I want to just because I want one. If I have to get a permit it costs me some money. I don't think that has happened with my neighbors. Why were they not fined?

b. The people constructing the track use 'open hose' watering whenever they are there and at work. If I did that, I'd be fined, probably $225.00.

c. Noise disturbance and invasion of privacy. I experienced bodies flying above the fence and this would have continued had I not gone to great pains to stem this. Noise disturbance also carries a big fine. I'd be fined if I did that.

d. Mr. Binns said that 'they (the BMXers) could be up to much worse'. I don't think he is the one to decide what is best or worst. I know I experienced great grief and agony over this intrusion of privacy and what I

consider to be a devaluation of MY property.

e. The City did not fine these individuals. I complained and I have it all logged and saved on my computer. So, there were violations and the City officials (for whom I pay to take care of us all) did not press charges. The City, in my opinion, is guilty for not issuing codes enforcement fines when they were applicable.

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I am opposed to what is proposed.

Sincerely,

Constance Krueger

City of Las Cruces
PO Box 20000
Las Cruces, New Mexico 88004-9002

July 8, 2011

To: City of Las Cruces, Development Dept.

I would like to point out that about seven years ago six or seven places around the area between Settler's Pass and the west end of Pinetrail were cleaned off and street utilities put in.

We who live here have had to endure the dirt and tumbleweeds from this.

There is also a large area in the Stonegate section that is the same way.

I see no reason to allow more development by anyone until these are completed.

Please take this into consideration.

Sincerely,

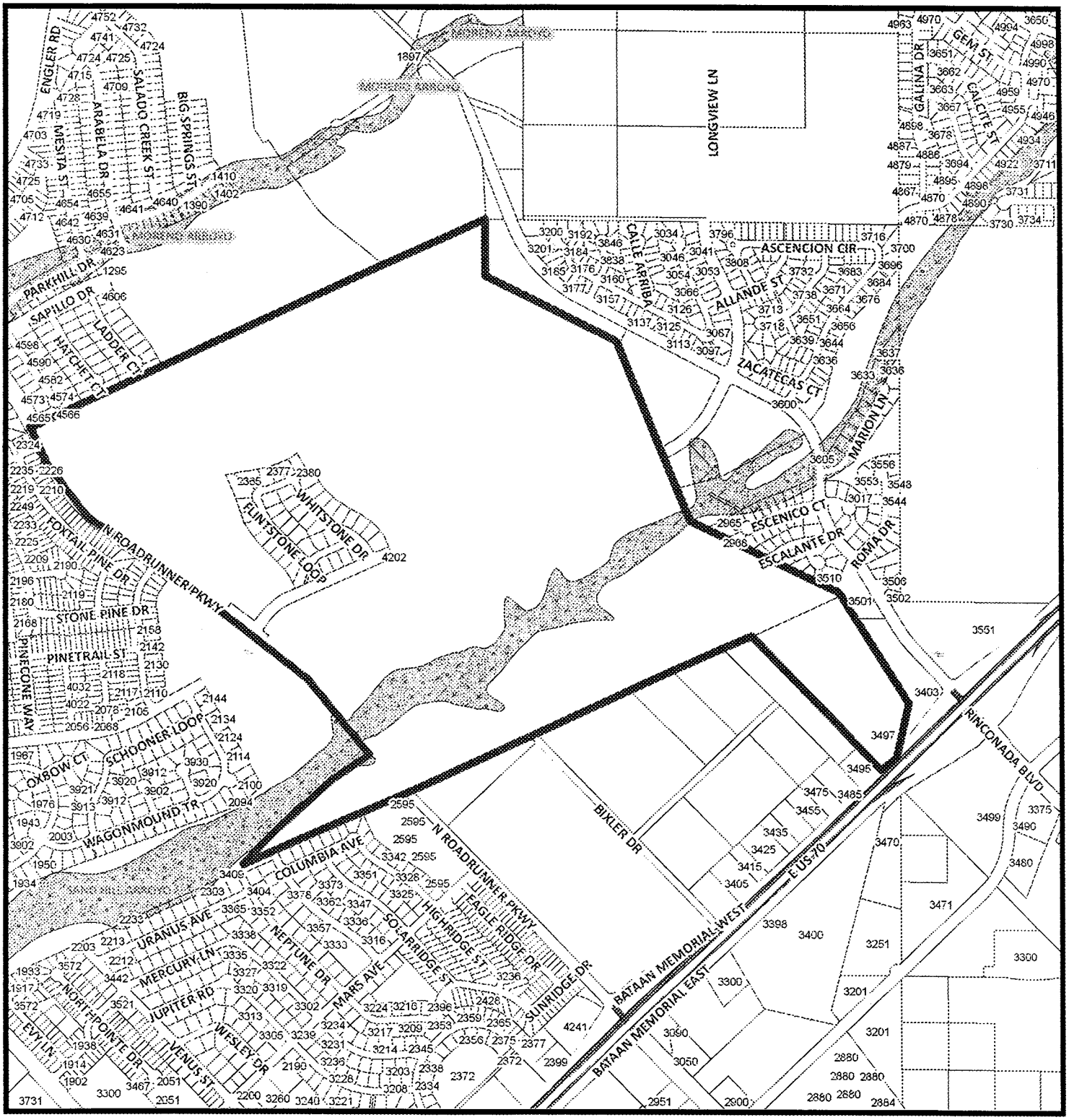
Nadine Brookings

2013 Pinetrail
Las Cruces, NM 88007

Location Vicinity Map

ZONING: Mutiple Zones
OWNER: Eddie Binns

PARCEL: 02-38952, 02-07938
DATE: 08/17/2011



This map was created by Community Development to assist in the administration of local zoning regulations. Neither the City of Las Cruces or the Community Development Department assumes any legal responsibilities for the information contained in this map. Users noting errors or omissions are encouraged to contact the City (575) 528-3043.

Legend

- Point_Address
- Interstates_Highway
- Railroad
- Rio Grande
- City Parcels
- EBID Water System
- Arroyo

0 250 500 1,000 1,500 2,000 Feet

Community Development Department
700 N Main St
Las Cruces, NM 88001
(575) 528-3222